

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10039 of 2017

Arising Out of PS.Case No. -242 Year- 2016 Thana -NOKHA District- SASARAM (ROHTAS)

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1. Prakash Kumar Son of Kamendra Sah, Resident of Village- Maliya Bag,
P.S. Dawath, District- Rohtas. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 07-04-2017 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Nokha
P.S. Case No. 242 of 2016 registered for the offence punishable
under Section 392 of the Indian Penal Code.

Allegedly, three persons, on passion-pro motorcycle,
caught the collar of the informant and his brother and snatched
motorcycle bearing registration no. BR-24R/0601, cash of Rs.
22,000/- and mobile containing SIM number 9135233295.

Submission on behalf of the petitioner is that he is
innocent, he is not named in the F.I.R., and he has got no
connection with the alleged occurrence. He has not been put on
T.I.P. and his name has transpired from the confessional statement
of co-accused Sachin Kumar and besides that, there is no other
material against him. He is suffering in custody since 28.11.2016
and, as such, he deserves sympathetic consideration.

The learned A.P.P. submits that the learned sessions



judge has noted in the impugned order that looted motorcycle was recovered from possession of the petitioner which appears not true rather the looted motorcycle was recovered from possession of Vikash Kumar and further from his waist one country made pistol and live cartridge were recovered vide para 42 of the case diary.

In the facts and circumstances stated above, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Rohtas at Sasaram in connection with Nokha P.S. Case No. 242 of 2016 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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