

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25815 of 2017

Arising Out of PS.Case No. -23 Year- 2017 Thana -JHANJHARPUR District- MADHUBANI

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1. Md. Juned Alam @ Junaid Alam, Son of Md. Hasib Pamariya, Resident of Village-Mithila Deep, P.S.-Lakhnour, (R.S.O.P.) District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-07-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner seeks bail in connection with Jhanjharpur P.S. Case No. 23/17, G.R. No. 231/17 for the offences alleged under Sections 379, 511, 402, 468, 471 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while his father had bought a new Pulsar motorcycle and kept it outside Punjab National Bank, co-accused Biru Kumar Yadav was apprehended trying to open the lock and one person, namely, Sukh Lal Yadav managed to escape.

It has been submitted by the learned counsel for the petitioner that he is not named in the First Information Report and it is only on the basis of his own confessional statement, which



was taken by the police by force that he has admitted his guilt, which has no evidentiary value in the eye of law. He submits that prior to this case he had no criminal antecedent, but has been falsely implicated in a subsequent case bearing Jhanjharpur P.S. Case No. 25/17. It is submitted that petitioner is in custody since 20.02.2017, hence, considering the period of custody, a sympathetic consideration may be taken and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jhanjharpur, Madhubani in connection with Jhanjharpur P.S. Case No. 23/2017, G.R. No. 231/2017.

(Nilu Agrawal, J)

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