

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25689 of 2017

Arising Out of PS.Case No. -18 Year- 2017 Thana -CHEWRA District- SEKHPURA

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1. Birendra Kumar, son of Shiv Kumar Prasad @ Ram Sharan Sao, resident of Silao, Ward No. 5, P.S. Silao, District Nalanda, at present Mohalla Khandak Par, P.S. Bihar, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-08-2017 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner seeks bail in connection with

Chewara P.S. Case No. 18/17 for offences punishable

under Section 395 of the Indian Penal Code.

The prosecution case is that while a truck with

load of 340 bags of maida of Gupta Nutrition Pvt. Ltd. was

being carried to Kolkata five miscreants looted the said

maida.

It has been submitted by the learned counsel for

the petitioner that he is innocent, nothing has been

recovered from his conscious possession and it is only on



the basis of confessional statement before the police made in another case bearing Chewara P.S. Case No. 39/16 that he has been remanded in the present case and is languishing in custody since 01.04.2017. He submits that maida has been recovered from the house of his father-in-law and he is a handicapped person. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura, in connection with Chewara P.S. Case No. 18/17, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and if the petitioner



indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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