

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26177 of 2018

Arising Out of PS.Case No. -294 Year- 2017 Thana -TAJPUR District- SAMASTIPUR

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Bablu Kumar, S/o Sri Bachnu Sahni, Resident of Village- Maksudpur,
Bhadaiya, P.S.- Mohiuddin Nagar, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1

For the Opposite Party/s : Mr. Sri Dinesh Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
26.09.2017 in connection with Tajpur (Halai) P.S. Case No.
294 of 2017 for offences punishable under Section 379 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he had parked his motorcycle outside his house, in
the morning when he woke up, he found his motorcycle
missing.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R., bears no



criminal history and has been falsely implicated in the aforesaid case. He submits that his confessional statement before the police has no evidentiary value in the eye of law and has been punished enough as he is languishing in judicial custody since more than seven months although the motorcycle is alleged to have been recovered from his possession. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses.

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, Samastipur in connection with Tajpur (Halai) P.S. Case No. 294 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) 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)

Devendra/-

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