

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28623 of 2018

Arising Out of PS.Case No. -688 Year- 2016 Thana -KANKARBAGH District- PATNA

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Mukesh Kumar @ Pagaliya @ Mukesh Goswami @ Mukesh Giri @
Mukesh S/o Surendra Goswami, R/o Vill.- Kamtaul Chack, Khudawara,
P.S.- Kurhani, District- Muzaffarpur, At present Mohalla- Shahpur P.S.-
Ram Krishana Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India through postal Department A/P Sanjay Nagar, Road
No.3, Patna-1.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Kant Kumar

For the Opposite Party/s : Mr. Sri Anil Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 19-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved this Court for bail
which was rejected vide order dated 28.07.2017 passed in Cr.
Misc. No. 28233 of 2017.

Petitioner is languishing in judicial custody since
20.12.2016 in connection with Kankarbagh P.S. Case No. 688
of 2016 for offences punishable under Sections 461/379 of the
Indian Penal Code.



The prosecution case, as lodged by the Deputy Post Master is that the lock of the post office was broken and theft of Rs. 5,85,738/-, Postal Stamps and Registry slips was stolen.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that upto now charges have not been framed and that there was no eye-witness to the alleged occurrence and his confessional statement before the police has no evidentiary value in the eye of law neither the recovery of Rs. 1,18,000/- from the possession of the petitioner would amount to the money stolen from the post office.

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

In this regard, a report was called for from the court of learned Judicial Magistrate, 1st Class, Patna who has sent the report dated 31.08.2018. From the report, it is evident that charges have not yet been framed and trial not commenced as yet.

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 Judicial Magistrate, 1st Class, Patna, in connection with
Kankarbagh P.S. Case No. 688 of 2016.

(Nilu Agrawal, J)

Devendra/Priyanka

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