

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13967 of 2018

Arising Out of PS. Case No.-94 Year-2016 Thana- BHAGWANPUR District- Bhabhua
(Kaimur)

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Pappu Mushar, Son of Late Bihari Mushar, Resident of Village- Yadav Mor
Chousa, P.S.- Chausa, District- Buxar. at present Vill- Koran Sarai, P.S.-
Koran Sarai, Dist- Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh
For the Opposite Party/s : Mr. Sri Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 04-12-2018 Heard learned counsel for the parties.

Petitioner seeks bail in **Bhagwanpur P.S. Case No. 94 of 2016** registered for the offence punishable under Section 395 of the Indian Penal Code.

Informant has alleged that on the date and time of occurrence 6 to 10 persons had come to drink water and thereafter they overpowered Informant on the strength of Arms and looted ornaments, cash and mobile and locked the Informant and his son in a room and also took away his wife and daughter. However, police arrived and his daughter and wife were recovered. The said Gang also committed loot against



other victims on the same day.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case on the basis of confessional statement of co-accused Surendra Mushar and also on his own confession. Except those confessions made against petitioner there is no incriminating material against him. Nothing has been recovered from the possession of the petitioner. He has been made accused only on the basis of having criminal antecedent. Charges have already been framed. Petitioner is in custody since 27.07.2017.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Sub Divisional Judicial Magistrate-Kaimur at Bhabua**, in connection with **Bhagwanpur P.S. Case No. 94 of 2016**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.



(3) If the petitioner tampers with the evidence
or the witnesses of the case, in that case, prosecution will be
at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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