

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.67571 of 2018

Arising Out of PS. Case No.-35 Year-2018 Thana- MADHEPUR District- Madhubani

Chandan Mallik @ Chandan Kumar Dhankar @ Chandan Kumar Mallik S/o
Ramlal Dhankar @ Ram Lal Dhankar Resident of Village- Nirmali, P.S.
Nirmali, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Sri Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 27-11-2018

Heard learned counsel for the petitioner and learned

counsel for the State.

The petitioner, who is in custody, seeks bail in connection with Madhepur P.S. Case No. 35 of 2018 registered for the offence punishable under Sections 395, 397 of the Indian Penal Code and 27 of Arms Act.

Allegation against six unknown culprits is of committing dacoity on the petrol pump of informant and looting cash of Rs. 4,26,060/-

It has been submitted on behalf of the petitioner that he is not named in the FIR. The name of petitioner has surfaced in this case on confession made by Tula Nand Yadav who has already been granted bail by this Hon'ble Court vide order dated 04.09.2018 passed in Cr. Misc. No. 44377 of 2018 and one similarly placed co-accused, namely, Chhedi Lal Yadav has been granted bail by this Hon'ble Court vide order dated 30.07.2018



passed in Cr. Misc. No. 42538 of 2018. Nothing has been recovered from the possession of petitioner, except confessional statement of co-accused there is no other incriminating material against petitioner. Petitioner is in custody since 15.04.2018 and is accused in one criminal case registered under the Arms Act.

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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IInd, Jhanjharpur, District- Madhubani, in connection with Madhepur P.S. Case No. 35 of 2018 subject to the conditions that:-

(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 properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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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