

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9651 of 2018

Arising Out of PS. Case No.-745 Year-2017 Thana- ARARIA District- Araria

Achchay Kumar Mallick @ Achchay Mallik S/o Suresh Mallick, R/o Village-Bus Stand , Ward No. 16, P.S.- Araria, District- Araria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. SRI BHARAT LAL

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 16-03-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in Araria P.S. Case No. 745 of 2017 registered under Sections 457/380 of the Indian Penal Code.

Cash of Rs. 25,000/-, ornaments and other belongings of the informant is said to have been stolen by some unknown miscreants by breaking open the lock of the house and the hammer used in breaking the lock was found lying at the place of occurrence.

It is submitted by learned counsel for the petitioner that the petitioner has no concern with the aforesaid occurrence. The petitioner has been falsely implicated in this case at the instance



of his enmity. Though the hammer allegedly used in the occurrence was recovered from the possession of the petitioner, but as per F.I.R. itself, the hammer used in the occurrence was found lying on the place of occurrence. There is nothing on record indicating the complicity of the petitioner in the occurrence barring confessional statement of co-accused, namely, Badal Kumar Mallick recorded before the police, which has no evidentiary value in the eye of law. The petitioner has been languishing in custody since 30.10.2017. Earlier, there was no case against the petitioner, but he was remanded in three other cases after the case under hand.

In the facts and circumstances of the case, the above named petitioner is directed to 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 the learned C.J.M., Araria in connection with Araria P.S. Case No. 745 of 2017.

(Prakash Chandra Jaiswal, J)

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