

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37645 of 2018

Arising Out of PS. Case No.-74 Year-2017 Thana- ARWAL District- Jehanabad

Sakaldev Kumar @ Sakaldev Yadav, Son of Ashok Mahto, Resident of
Village- Muradpur, Huzra (Baidrabad) P.S. & District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath

For the Opposite Party/s : Mr. Amit Kumar Rakesh

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 05-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Arwal
P.S. Case No. 74 of 2017 registered for the offence punishable
under Section 392 of the Indian Penal Code.

Four Motorcycle borne criminals are said to have
looted the bag of the informant containing Rs.1,25,000/- from
the dickey of the motorcycle of the informant.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. The
petitioner has no concern with the aforesaid occurrence. No
incriminating article has been recovered from the conscious
physical possession of the petitioner. There is nothing in the



case diary indicating the complicity of the petitioner in the occurrence barring confessional statement of the petitioner and co-accused Sakendra Kumar which has no evidentiary value in the eye of law. Though, the petitioner was identified by the informant in TIP but the aforesaid TIP was held on 27.07.2017 and earlier to that petitioner was produced before the Court on three occasions that is on 29.06.2017, 12.07.2017 and 26.07.2017 giving ample opportunity to the informant to identify the petitioner in the court before TIP which creates serious doubts about the sanctity of the aforesaid TIP. It is further submitted that earlier the bail prayer of the petitioner was rejected by this Court directing the court below to conclude the trial within six months from the date of receipt/ production of a copy of this order with liberty to the petitioner to renew his prayer for bail if the trial is not concluded within the stipulated period and as per report of the court below the trial has yet not been concluded rather it is pending for appearance of other co-accused person after taking cognizance.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief



Judicial Magistrate, Arwal in connection with Arwal P.S. Case
No. 74 of 2017.

(Prakash Chandra Jaiswal, J)

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