

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8766 of 2019

Arising Out of PS. Case No.-402 Year-2018 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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BHOLA SAH Son of Khakhan Sah Resident of Village - Ghatoho, P.S.-
Ghatoho, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Md. Nazir Ansari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
08.10.2018 in connection with Kanti P.S. Case No. 402 of 2018
for offences punishable under Sections 395, 397, 412 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while she along with her husband and daughter was
sleeping in the house in the night she heard the sound of
knocking of the door and 5-6 miscreants entered the house,
assaulted her husband with knife and also assaulted her and took
away gold ornaments from the almirah.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history and his name surfaced on the confessional statement of co-accused Ankesh Kumar and Shambhu Kumar, who has alleged that the petitioner was also involved in the alleged occurrence. It is submitted that charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses and co-accused Shambhu Kumar has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 68549 of 2018 vide order dated 20.12.2018. It is further submitted that no T.I. Parade has been done so far and the petitioner is languishing in judicial custody for more than four months.

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

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 Sub-Divisional Judicial Magistrate (West), Muzaffarpur, in connection with Kanti P.S. Case No. 402 of 2018, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will



file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Rajesh/-

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