

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78172 of 2018

Arising Out of PS. Case No.-288 Year-2017 Thana- GRIYAK District- Nalanda

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Mukesh Kumar S/o Amirak Mahto, R/o Vill.-Loharpura, P.S.- Kadrganj,
District- Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh

For the Respondent/s : Mr.Sri Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 15-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Giriyak P.S. Case No. 288 of 2017** registered for the offence punishable under Section 394 of the Indian Penal Code.

Informant in his written complaint has alleged that while he was sleeping along with his family members, 3 to 4 persons entered the room after breaking open the lock and took away cash and other household articles including mobile, TV and clothes. Informant has stated that he could identify the culprits when they are brought before him.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. The name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Sadhu Yadav and Sandip



Kumar. Except the said confessional statement there is no incriminating material against the petitioner. Although in the FIR Informant has stated that he could identify the culprits but till date petitioner has not been put on TIP. Petitioner is in custody since 01.05.2018.

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 **Additional Chief Judicial Magistrate-I, Nalanda at Biharsharif**, in connection with **Giriyak P.S. Case No. 288 of 2017**, 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 properly 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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