

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25795 of 2019

Arising Out of PS. Case No.-445 Year-2018 Thana- JAGDISHPUR District- Bhagalpur

CHANDAN KUMAR Son of Ashok Mandal, Resident of Village-Pakkisarai
(Ghogha), Police Station- Ghogha, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-04-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 11.10.2018 as stated in para-8 of the present application in connection with Jagdishpur (Goradih) P.S. Case No. 445 of 2018, for offences punishable under Section 392 of the Indian Penal Code, subsequently Section 411 of the Indian Penal Code was added.

The prosecution case as lodged by the informant is that he is the driver of the pick up van and while taking green chillies along with owner of the said vehicle, four miscreants in two motorcycle looted cash of Rs. 7800/- from the informant and the owner and also took away their mobiles.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the F.I.R. and his name surfaced on his own confessional statement before the police which has no evidentiary value in the eye of law. He further submits that one of the stolen mobile is alleged to have been recovered from the possession of the petitioner, no T.I. parade has been done so far and one of the co-accused named by the petitioner from whose possession stolen motorcycle has been recovered from which offence had been committed has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 25127 of 2019 dated 22.04.2019. He submits that charge-sheet has already been submitted, there being no allegation of tampering with the prosecution evidence/witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case is pending against him although the petitioner submits that the said case is for different offence under which he has been granted the privilege of bail.

Considering the nature of allegations, materials on record as well as that charge-sheet has already been submitted, let the 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 the learned Additional Chief Judicial Magistrate VII, Bhagalpur in connection with Jagdishpur (Goradih) P.S. Case No. 445 of 2018, subject to the conditions that one of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

devendra/priyanka

U		T	
---	--	---	--

