

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73131 of 2018

Arising Out of PS. Case No.-327 Year-2016 Thana- GARKHA District- Saran

DHARMENDRA NAT Son of late Chauki Nat Resident of Village-
Olahanpur, P.S. Marhowra, District- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr. Rajendra Singh Shastriji

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-01-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 18.9.2018 in a case registered for the offences punishable under Sections 395 and 397 of the I.P.C.

The prosecution case as per the Fardbeyan of Imteyaj Ali dated recorded by SI Rajeev Ranjan Sinha of Garkha Police Station on 1.11.2016 is to the effect that on 31.10.2016 at around 11.50 P.M. the accused persons entered into the house, robbed the house hold articles including jewellery since on the eve of the marriage of the sister of the informant the guests were there with their jewellery and the accused persons resorted to fire causing injury to the father and brother of the informant, leading to registration of the FIR against 15-20 unknown. During



investigation, the name of the petitioner surfaced in the confessional statement of Prabhat Manjhi.

It is submitted by learned counsel for the petitioner that except the confessional statement of co-accused, no material has been collected against the petitioner during investigation. It is further submitted that there is no recovery from the petitioner nor the petitioner has been put on Test Identification parade. Moreover, similarly situated co-accused have been granted bail vide Cr. Misc. Nos. 1171 of 2017 and 6289 of 2017.

Learned APP submits that the name of the petitioner sprang up in the confession of co-accused.

Considering the fact that the petitioner has remained in custody for more than four months but there is nothing on record to suggest that the petitioner has been put on Test Identification Parade, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released 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 ACJM-14, Saran at Chapra in connection with Garkha P.S. Case



No.327 of 2016.

(Dinesh Kumar Singh, J)

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