

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68490 of 2018

Arising Out of PS. Case No.-371 Year-2016 Thana- PHULPARAS District- Madhubani

Manoj Kumar Sharma @ Manoj Sharma, S/o Suraj Sharma @ Suraj Thakur,
Resident of Village- Dighiya, P.S.- Nirmali, District- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13

For the Opposite Party/s : Mr.Sri Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 07-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 26.07.2018 in a case registered for the offences punishable under Section 392 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Vikash Kumar recorded by S.I., Ajeet Kumar Choudhary of Phulparas P.S. on 21.12.2016 at 6.10 P.M., is to the effect that on the same during the course of the day the motorcycle of the informant was robbed on 21.12.2016 by three miscreants, leading to registration of the case against unknown. The petitioner was apprehended on the basis of confessional statement of co-accused Mukesh Yadav. However, recovery of the robbed motorcycle was made from co-accused Mahesh Yadav.



It is submitted by learned counsel for the petitioner that, though, the petitioner is accused in eight other cases but in all the cases, he has been remanded without any cogent material and in most of the cases, he is on bail. It is further submitted that similarly situated co-accused Pramod Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 17.10.2017 passed in Cr. Misc. No. 48381 of 2017.

Learned APP submits that the petitioner has serious criminal antecedent but the name of the petitioner sprang up on confession of the co-accused.

Considering the fact that the investigation has already been concluded without putting the petitioner on T.I. Parade and there is no recovery from the petitioner, let the above named petitioner 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 learned Additional Chief Judicial Magistrate-IIInd, Jhanjharpur, District – Madhubani in connection with Phulparas P.S. Case No. 371 of 2016.

Since the petitioner is having serious criminal antecedent, the learned Court below will be at liberty to cancel the bail bonds of the petitioner in two eventualities; if



the petitioner defaults for two consecutive occasions or
gets substantially involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

DKS/-

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

