

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67935 of 2019

Arising Out of PS. Case No.-62 Year-2019 Thana- JAMALPUR RAIL P.S. District-
Lakhisarai

=====

BHUKHA SAO @ SONU SAH, aged about 20 years (M), Son of Sharvan Sah, Resident of Village - Itava, P.S.- Dharhara, Distt.- Munger, Alleged to resident Sant Nagar, Dasrathi, P.S.- Dharhara, Dist.- Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr.Rajesh Kumar, Advocate.
For the Opposite Party : Mr.Dinesh Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-10-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence
registered under Section 379 of the IPC.

The prosecution story, in brief, is while the informant
was travelling through Gaya-Saharsa Train on 17.05.2019 at
about 10.30 P.M. when the Train is started from Dasrathpur
Station, a five feet long and fat boy snatched the Mobile of the
informant in which two SIMS were attached.

It has been submitted by learned counsel for the
petitioner that the petitioner is languishing in custody since



26.06.2019. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is alleged to have committed theft of a Mobile. The said Mobile has not been recovered from possession of the petitioner. The petitioner is not named in the F.I.R. The name of the petitioner has come in the present case as he had made confession before the police in another case. The petitioner was put on T.I. Parade but the procedure as laid down under the law has not been followed. Hence, the T.I.P. conducted on the part of the prosecution cannot be relied upon. In place of two witnesses, only one witness was present when the T.I. Parade was conducted. Other witness is said to have identified the petitioner on the basis of photograph. Such evidence is not admissible in the eye of law.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Kiul at Lakhisarai, in connection with Rail



Jamalpur P.S. Case No. 62 of 2019.

U.K./-

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

(Sudhir Singh, J)

