

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.11778 of 2008
OJHI TANTI
Versus
STATE OF BIHAR

02. 23.05.2008

Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner is an accused for offence punishable under
section 394 of the Indian Penal Code.

Learned counsel for the petitioner submits that
neither the petitioner is named in the F.I.R. nor any incriminating
article has been recovered from his possession nor he has been put
to test identification parade, although he has remained in custody
since 27.09.2007. Learned counsel for the petitioner further submits
that the petitioner has been implicated only on the basis of
confessional statement of co-accused, namely, Gore Lal and his
prayer for bail has been rejected by the learned court below on the
ground that the petitioner is a notorious criminal. Learned counsel
for the petitioner also avers that the said assumption is absolutely
wrong as the petitioner has got no criminal antecedent.

In the aforesaid facts and circumstances, this petition
is allowed. Let petitioner, namely, Ojhi Tanti 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 Chief Judicial
Magistrate, Jamui in connection with Khaira P.S. Case No. 172 of
2006.

harish

(S.N. Hussain, J.)