

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1104 of 2015

Arising Out of PS.Case No. -107 Year- 2013 Thana -THAWE District- GOPALGANJ

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1. Riyazuddin Khaan @ Pankaj @ Munna Son of Ajeem Khan, Resident of
Village - Chap, P.S. - Panchrukhi, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Loknath Singh

For the Opposite Party/s : Mr. T.N. Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3. 02-03-2015. Heard both sides.

The petitioner seeks bail in a case under Sections 394 and 411 IPC.

The F.I.R. is against unknown. During the course of investigation, the petitioner was apprehended and on the basis of his own confessional statement, the looted motor-cycle was recovered from the house of co-accused Md. Mustaque Alam.

Learned counsel for the petitioner submits that the petitioner was not put on test identification parade and perusal of the record shows that there was competition between the informant and the accused persons to race motor-cycle and on such, some altercation had taken place. There was no intention to commit robbery. The confessional statement leading to recovery of motor cycle is admissible but it can not be admitted that the petitioner committed robbery of the motor-cycle.

It appears from perusal of the record that the petitioner was apprehended and on his confession, the looted motor-cycle

was recovered from the house of Md. Mustaque Alam. The petitioner has criminal antecedent having as many as four criminal cases. Hence, I am not inclined to enlarge the petitioner on bail and accordingly, the same is rejected.

The petitioner may renew his prayer for bail if the trial is not concluded within ten months from the date of receipt/production of a copy of this order.

(Prabhat Kumar Jha, J.)

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