

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8827 of 2015

Arising Out of PS.Case No. -72 Year- 2014 Thana -PUSA District- SAMASTIPUR

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Birju Sahni Son of Bindeshwar Sahni @ Bindi Sahni resident of Village -
Shambhupatti, P.S. Samastipur (Muffasil), District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj

For the Opposite Party/s : Mr. Ashraf Ansari (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 10-04-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 395 and 397 of the I.P.C

Allegedly, eight motorcycle borne criminals riding on
four motorcycles came and pushed the informant on earth by
pushing the vehicle, assaulted him with butt of pistol on his head
and when he fell down he took out Rs. 30,000/- cash out of his
pocket and one mobile phone of Binod Sah and further took away
his motorcycle and fled away. Due to darkness the informant
could not identify them but they were aged about 20-22 years.
During investigation on the basis of confessional statement of co-
accused house of the petitioner was raided and looted motorcycle

was recovered and the petitioner was apprehended and he also confessed his guilt.

Submission is of false implication and that nothing has been recovered from his conscious possession. He has been made victim of the circumstances. Confessional statement of co-accused has got no value in the eye of law and as such the petitioner who is suffering in custody since 05.09.2014 deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the petitioner has got criminal antecedent as is evident from paragraph-3 of his bail petition and he is involved in five more cases also.

In the facts and circumstances as stated above, considering that looted motorcycle has been recovered from possession of the petitioner and he bears criminal antecedent and as such this Court is not inclined to enlarge him on bail and accordingly his prayer for bail stands rejected in connection with Pusa P.S. Case No. 72 of 2014 pending in the court of C.J.M. Samastipur.

(Jitendra Mohan Sharma, J)

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