

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17988 of 2015

Arising Out of PS.Case No. -3 Year- 2014 Thana -SAHJAHANPUR District- PATNA
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Dudheshwar Mahto
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey-Advocate
For the Opposite Party/s : Mr. Rajendra Singh Shastrijee (A.P.P.)
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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 26-06-2015 Heard learned counsel for the petitioner as well as learned
Additional Public Prosecutor.

On account of having the tire of the vehicle punctured, the vehicle stopped and during course of replacement of tire, the miscreants pondered and on the pretext of firearm robbed of the occupants and on account thereof, informant has filed written report on the basis of which, F.I.R. has been registered against unknown.

It has been submitted on behalf of petitioner that in the background of criminal antecedent that too happens to be more than ten years old, petitioner has been apprehended. It has also been submitted that there happens to be no legal evidence collected by the I.O. during course of investigation, more particularly, petitioner has not been put on T. I. Parade and consequent thereupon, there happens to be no cogent reason to allow further detention. It has also been submitted that co-accused Vinay Paswan had already been granted bail vide Criminal Miscellaneous No.7452 of 2015. So, submitted that petitioner be released on bail.

On the other hand, learned Additional Public Prosecutor

opposed the prayer.

Perused the case diary. From perusal of the first information report that occurrence was committed in the night of 02.02.2014 and for that, the informant had gone to the place of Police Station and filed written report at 5.00 a.m. on 03.02.2014. The police swung into action and then proceeded towards place of occurrence and during course thereof, five persons escaped from the passengers shade, who were chased and out of them, three persons were apprehended, who disclosed their identity as Dinesh Paswan, Dudheshwar Mahto (petitioner) and Guddu Rajbansi, it is apparent that at an earlier occasion, the plea of Guddu Rajbansi along with others found rejected under Criminal Miscellaneous No.49551 of 2014. The case of the petitioner stood on similar footing. Case of Vinay Paswan is distinguishable as he was not arrested at the spot as well as was named by the co-accused.

Accordingly, prayer of petitioner for bail is rejected.

Vikash/-

(Aditya Kumar Trivedi, J)

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