

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40784 of 2014

Arising Out of PS.Case No. -64 Year- 2014 Thana -PATEPUR District- VAISHALI(HAJIPUR)

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Somnath Kumar @ Some Nath Rai son of Jagdev Rai, resident of Village-
Bardiha, P.S.- Patepur, District- Vaishali

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.42650 of 2014

Arising Out of PS.Case No. -64 Year- 2014 Thana -PATEPUR District- VAISHALI(HAJIPUR)

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Guddu Kumar Son of Meghnath Sah Resident of Village-Simarwara, P.S.-
Patepur, District-Vaishali

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.40784 of 2014)

For the Petitioner/s : Mr. Dudh Nath Singh, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

(In Cr.Misc. No.42650 of 2014)

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 12-02-2015 Both these applications arise out of Patepur P. S. Case

No. 64 of 2014, as such they have been heard together and are

being disposed of by this common order.

Heard learned counsel for the petitioners and learned

A.P.P. for the State.

The accused-petitioners seek bail in a case registered

for the offence punishable under Sections 395/396 of IPC and 27 of the Arms Act.

The prosecution case, is that after withdrawing Rs.5,25,000/- from the State Bank of India, the deceased Md. Fakaruddin was returning by his motorcycle and two persons gave signal to stop motorcycle, as soon as he stopped motorcycle the accused snatched bag containing money. In the meantime, three other accused riding on two motorcycles came there and took bag containing money and after killing the deceased they fled away.

Learned counsel for the petitioners submits that the name of the petitioners has appeared during investigation and both of them have also confessed their guilt.

It is submitted that the names of the petitioners have appeared in the statement of Dharmendra Kumar Sharma who has disclosed the name of the petitioners much after the occurrence and later on the petitioners have made their confession before the police and after investigation charge-sheet has already been submitted. The petitioners have no criminal antecedent.

Learned counsel for the State submitted that the witnesses have supported the prosecution case and Dharmendra has stated that he has seen the occurrence and named both the petitioners and he has also made statement under-Section 164

Cr.P.C. before the Magistrate. Investigation against the co-accused is still continuing.

Considering the facts and circumstances, in my opinion, the petitioners do not deserve bail at this stage. Their prayer is rejected.

(Amaresh Kumar Lal, J)

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