

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3705 of 2015

Arising Out of PS.Case No. -412 Year- 2013 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Rakesh Kumar @ Rakesh Prasad son of Tulshi Sah Resident of Village-
Mirpur, P.S.- Chiraiya, District- East Champaran, Motihari

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate.

For the Opposite Party/s : Mr. Nirmala Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 28-01-2015 Heard both sides.

The petitioner apprehends his arrest in Ghorasahan
P.S. Case No. 412 of 2013, registered for the offences punishable
under Section 414 of the Indian Penal Code.

According to the prosecution case one Balram Kumar
was apprehended and from his possession 76 Titan Watch was
recovered.

Learned counsel for the petitioner submits that the
petitioner is not named in the FIR. The name of the petitioner
figured in the case in the confessional statement of Balram Kumar
that too before the police. The other witnesses are police officials
who only states that Balram Kumar confessed before them and

disclosed the name of the petitioner. Nothing has been recovered from the possession of the petitioner.

Having considered the facts aforesaid and the fact that the name of the petitioner figured in the case in the confessional statement of co-accused, but the police did not collect any other tangible evidence to show the involvement of the petitioner nor anything was recovered from the possession of the petitioner, the petitioner, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Learned Sub-Divisional Judicial Magistrate, Sikrahana at Motihari, East Champaran in connection with Ghorasahan P.S. Case No. 412 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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