

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14279 of 2015

Arising Out of PS.Case No. -466 Year- 2014 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

1. Prashant Kumar @ Sandip Kumar Son of Sri Raj Kumar Gupta resident
of village - Sugauli, Ward No. 17, P.S. Sugauli, District - East Champaran
.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.21093 of 2015

Arising Out of PS.Case No. -466 Year- 2014 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

1. Arun Kumar S/o Rajendra Prasad resident of Village - Sugauli Sisvania
Tola, Ward No. 6, P.S. - Sugauli, Distt. - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.14279 of 2015)

For the Petitioner/s : Mr. Vinay Ranjan, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar (App)

(In Cr.Misc. No.21093 of 2015)

For the Petitioner/s : Mr. Sunil Kumar Verma, Advocate

For the Opposite Party/s : Mr. Binod Kumar -Ii(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 03-07-2015

Heard learned counsels for the petitioners and the
State.

The petitioners are languishing in custody since
20.12.2014 in a case registered for the offences punishable under
section 396 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that while the victim was
returning home after collecting money with one Ram Nivash
Mishra they were surrounded by six miscreants on two



motorcycles and robbed the informant and the victim Ram Nivash Mishra and out of the six miscreants three fired, as a result, Ram Nivash Mishra died on the spot. The First Information Report was lodged against the six unknown. It is alleged that the miscreants, who killed the victim escaped from the scene on Apachi motorcycles. During investigation, the petitioner Arun Kumar was apprehended on suspicion and from whose possession Rs.30,000/- and a cheque drawn on Central Bank of India were recovered whereas from the petitioner Prashant Kumar @ Sandip Kumar, whose name surfaced in confession of co-accused Arun Kumar, two mobiles and Passion Pro motorcycle were recovered.

It is submitted by learned counsel for the petitioners that neither the petitioners nor the recovered articles have been put on Test Identification Parade. Moreover, the motorcycle recovered from the petitioner Prashant Kumar @ Sandip Kumar is Passion Pro, which is registered in his name though it is alleged that the accused escaped from the scene on Apache motorcycles. Statement has been made in paragraph 3 of both the petitions that the petitioners have no criminal antecedent.

It is submitted by learned APP for the State, after going through the case diary that during investigation the name of

the petitioners surfaced, hence, they were apprehended, but concedes that no Test Identification Parade has been held though the informant claimed to have identified the miscreants by face at the time of occurrence.

Considering the aforesaid fact, let the above named petitioners be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran in connection with Sugauli P.S. Case No.466 of 2014.

(Dinesh Kumar Singh, J)

Ashwini/-

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