

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30409 of 2015

Arising Out of PS.Case No. -20 Year- 2015 Thana -JAGDISHPUR District- BHAGALPUR

1. Santosh Kumar Son of Janardan Mandal Resident of Sahpur, P.S. - Ghogha, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.48150 of 2015

Arising Out of PS.Case No. -20 Year- 2015 Thana -JAGDISHPUR District- BHAGALPUR

1. Sunil Pathak S/O Late Ravi Shankar Pathak resident of Mohalla- Marwari Tola, P.S.- Kotwali, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.32037 of 2015

Arising Out of PS.Case No. -20 Year- 2015 Thana -JAGDISHPUR District- BHAGALPUR

1. Pramod Mandal Son of Bonki Mandal Resident of Village-Naya tola P.s - Madhusudanpur, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.32657 of 2015

Arising Out of PS.Case No. -20 Year- 2015 Thana -JAGDISHPUR District- BHAGALPUR

1. Madan Mandal Son of Saudagar Mandal Resident of Village -Tintanga, Simria, P.s Rangta, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.30409 of 2015)

For the Petitioner/s : Mr. Dilip Kumar

For the Opposite Party/s : Mr. Ram Naresh Roy (App)

(In Cr.Misc. No.48150 of 2015)

For the Petitioner/s : Mr. Davendra Kumar Pandey

For the Opposite Party/s : Mr. Smt. Sahin Begam(App)

(In Cr.Misc. No.32037 of 2015)

For the Petitioner/s : Mr. Dilip Kumar

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

(In Cr.Misc. No.32657 of 2015)

For the Petitioner/s : Mr. Dilip Kumar

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR

SRIVASTAVA

ORAL ORDER

3 02-11-2015 All the four petitions arise out of Jagdishpur P.S. Case No. 20 of 2015 registered under Sections-395/412 of the Indian Penal Code and accordingly, all the above-said petitions are being heard and disposed of by this common order.

Heard learned counsels for the petitioners and learned Additional Public Prosecutor for the State.

Petitioner in Cr. Misc. No. 48150 of 2015 was caught on the spot just after the alleged occurrence and disclosed the name of his associates as well as the manner, in which, his associates participated in the alleged crime. Subsequently, rest three petitioners were arrested and it is stated that looted cash was recovered from possession of aforesaid three respective petitioners.



Learned counsel, appearing on behalf of petitioners submits that no doubt, name of the petitioner in Cr. Misc. No. 30409 of 2015 appeared in this case in confessional statement of co-accused Sunil Pathak but the aforesaid Sunil Pathak, specifically, stated before the police that it were co-accused Pramod Mandal and others, who fled away with the looted money and so far as petitioner is concerned; the aforesaid co-accused Sunil Pathak stated that petitioner and one Vinod Yadav had only duty to keep watch on the movement of the police. It is further contended that so far as recovery of so-called looted amount from possession of petitioner in Cr. Misc. No. 30409 of 2015 and rest two petitioners is concerned; the same is nothing but only high handedness of the police, which is proved by this fact that the first information report was recorded on 09-02-2015 at 1.40 p.m., the first information report was drawn on the same day at 4.00 p.m. but the first information report as well as apprehended accused were produced before the concerned court on 11-02-2015 and no explanation of the aforesaid delay has been given.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties, in my view, only the petitioner in Cr. Misc. No. 30409 of 2015 namely, Santosh Kumar S/o Janardan Mandal is entitled to get the privilege of bail and

accordingly, the aforesaid petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Jagdishpur P.S. Case No. 20 of 2015 to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur.

So far as prayer for bail of rest petitioners is concerned; the same stands rejected at least, at this stage.

(Hemant Kumar Srivastava, J)

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