

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43497 of 2015

Arising Out of PS.Case No. -346 Year- 2015 Thana -LAKHISARAI District- LAKHISARAI

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Rahul Kumar Son of Deepak Kumar Yadav @ Deepak Yadav Residents of
Village - Jurabganj Nayatola, P.S. - Koda, District - Katihar

.... Petitioner

Versus

1. The State of Bihar
2. Ram Kumar Sharma Son of Late Meva Sharma Resident of Village @
P.O. -Aura, P.S.- Ramgarh Chowk, District - Lakhisarai

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ashish Giri
For the Opposite Party : Mr. Madan Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-11-2015 Heard the counsel for the petitioner and counsel for the

State.

The petitioner is languishing in jail since 14.05.2015 in

a case instituted under Sections 392 and 394 of the Indian Penal

Code in connection with Lakhisarai (Kabaiya) P.S.Case No.346

of 2015 pending in the Court of CJM, Lakhisarai.

As per prosecution case, it is alleged that informant

withdrawn Rs.2,00000/- from SBI bank, Lakhisarai and went to

the rented house and also kept the bag on the table, in the

meantime, two miscreants including the petitioner entered into the

room and put the pistols upon him. It is also aged that one

miscreant took away the bag from the table and fled away from

there and the informant chased the miscreants. One miscreant, i.e., the petitioner was apprehended there near Jamui turning.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 14.05.2015. Chargesheet has been submitted in the case. Petitioner has got no criminal antecedent. There is no allegation of tampering of evidence against the petitioner. Petitioner has been made accused due to mistake of fact. There is no recovery of any incriminating article from the possession of the petitioner.

On behalf of the State, it has been submitted that the petitioner is named in the FIR and he has been apprehended at the spot.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the above named petitioner, same is rejected at this stage.

(Sudhir Singh, J)

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