

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7303 of 2015

Arising Out of PS.Case No. -86 Year- 2014 Thana -MANSAHI District- KATIHAR

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1. Arun Paswan @ Arun Pa Son of Late Shankar Paswan Resident of
Village - Haflaganj, P.S. - Mufassil, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. S.M.Rahman (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 30-04-2015

Heard learned counsel for the petitioner as well as
learned APP.

Informant along with Ganga Pd. Chaudhary while
were returning to his house over his motorcycle, was signaled by
one gentleman to stop. He after proceeding a few steps ahead
stopped the vehicle and thereafter, that person ran away therefrom.
Subsequently thereof, he indulged in a brawl with another person
who was there after parking his motorcycle. Later on, police
brought up one person along with motorcycle whom he identified
the said person who had signaled to stop the vehicle. He had
further stated that on an earlier occasion, that person was
possessing fire arm. It was disclosed that the person was identified
as Abhijit Kumar Sinha as well as also disclosed the name of his
associate as Arun.

Apart from the fact that name of petitioner cropped up on the basis of inculpatory extra-judicial confessional statement of co-accused, application of Section 393 IPC is also found doubtful in the background of the fact that save and except, stopping vehicle, nothing more has been alleged whereupon, one could infer that Abhijit had tried to snatch the motorcycle on that very moment and further petitioner was in any way associated with the aforesaid Abhijit.

That being so, petitioner, Arun Paswan @ Arun Pa, in the event of arrest/surrender within four weeks, is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sri B.V. Rai, Judicial Magistrate-1st Class, Katihar/successor in the office, in connection with Mansahi PS Case no. 86/2014, subject to the condition as laid down under Section 438(2) Cr.P.C.

(Aditya Kumar Trivedi, J)

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