

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44136 of 2015

Arising Out of PS.Case No. -36 Year- 2015 Thana -CHAUTHAM District- KHAGARIA

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1. Hareram Yadav Son of Mahesh Yadav @ Mehi Yadav
2. Dashrath Kumar Son of Bhushan Ram Both resident of village - Nijay,
Police Station - Biropur, District - Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh

For the Opposite Party/s : Mr. M. Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 15-10-2015 Heard Mr. Viveka Nand Singh for the petitioners and Mr.
Dayal, APP for the State.

Two petitioners herein apprehend their arrest in connection with Chautham P.S. Case No. 36 of 2015 registered under Section 395 and 412 of the Indian Penal Code for committing house dacoity which was lodged against unknown. In the said occurrence, one motorcycle was also looted away. Two accused persons were subsequently arrested with the looted motorcycle who named the petitioners in their respective statement(s).

Contention of the petitioners is that such statement is inadmissible in law as there is no recovery from the house of the petitioners. There is no identification at the T.I. Parade.

The fact that the two persons arrested soon after the occurrence along with the looted motorcycle named the petitioner

as their associates, in my view, does not justify grant of anticipatory bail to the petitioners. Prayer is accordingly rejected.

However, if the petitioners surrender and pray for regular bail, the Trial Court shall consider the relevant facts from the record and pass order on its own merit in accordance with law.

(Kishore Kumar Mandal, J)

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