

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18064 of 2015

Arising Out of PS.Case No. -793 Year- 2014 Thana -KATIHAR District- KATIHAR

Hare Ram Choudhary

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.19486 of 2015

Arising Out of PS.Case No. -793 Year- 2014 Thana -KATIHAR District- KATIHAR

Dilip Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.18064 of 2015)

For the Petitioner/s : Mr. Rajendra Prasad Sah-Advocate

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

(In Cr.Misc. No.19486 of 2015)

For the Petitioner/s : Mr. Md. Musowir-Advocate

For the Opposite Party/s : Mr. Shahin Begum (A.P.P.)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 29-06-2015 Criminal Miscellaneous No.18064 of 2015 wherein

Hare Ram Choudhary is the petitioner and Criminal Miscellaneous

No.19486 of 2015 wherein Dilip Singh is the petitioner commonly

originate out of Katihar Town P. S. Case no.793 of 2014 and on

account thereof, both have been heard together and are being

disposed of by a common order.

Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor.

There was dacoity in the house of Vivek Sharraf

wherein miscreants looted away belongings, ornaments, cash, mobile set etc. and during course thereof, they have also assaulted the inmates.

Perused the case diary. During course of investigation, the police put the looted mobile set on surveillance as is evident from Paragraphs-29, 30 of the case diary. It is evident that the mobile set belonging to the informant having I.M.E.I. No.355942057275090 was being used by the petitioner Hare Ram Choudhary and on account thereof, a raid was conducted and he was arrested. His house was also searched as is evident from Paragraph-38. Apart from the recovery of stolen mobile set, cash appertaining to Rs.6,000/- as well as two passbook disclosing the deposit of Rs.30,000/-, Rs.10,000/- respectively on 18.12.2014 while the occurrence is dated 16.12.2014, he happens to be rickshaw puller, and further, failed to explain deposit. Furthermore, on his inculpatory extra-judicial confessional statement as well as on his pointing out, the police conducted raid at the house of Ram Bilash, who was arrested and on search from his house, the ornaments along with cash appertaining to Rs.14,000/- were seized as is evident from Paragraph-43 of the case diary. Furthermore, it is evident from Paragraph-46 that petitioner Dilip Singh along with Sanjay Mandal was apprehended along with unlawful firearms for which a

separate case has been registered. It is further evident from the case diary under Paragraphs-127, 128, 129, 130, 131 and 132 that articles were put on T. I. Parade and were identified by the inmates of the house.

Accordingly, prayer of petitioner Hare Ram Choudhary is rejected.

With regard to petitioner Dilip Singh, save and except inculpatory extra-judicial confessional statement of co-accused Hare Ram Choudhary, nothing more has been collected by the I.O. He has not been put on T. I. Parade. No booty has been recovered from his possession.

Accordingly, petitioner, **Dilip Singh** is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Katihar Town P. S. Case no.793 of 2014.

(Aditya Kumar Trivedi, J)

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