

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11371 of 2015

Arising Out of PS.Case No. -244 Year- 2014 Thana -CHAPRA CITY District- SARAN

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Rakesh Kumar Mishra Son of Ganesh Dutt Mishra resident of Bahuriya
Kothi, Nayi Basti, P.S. Bhagwan Bazar District Saran at Chapra.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Jeetendra Narayan, Advocate.

For the Opposite Party : Mr. Anil Kr. Singh No.1 (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 24-06-2015 Heard both sides.

The petitioner seeks bail in Saran Town P.S. Case No. 244 of 2014, registered for the offences punishable under Sections 394, 302 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that while he along with the security guards was going to H.D.F.C. ATM machine, criminals fired at the security guard in order to loot the money. The petitioner is not named in the FIR.

It is submitted that the petitioner is said to have confessed in para – 140 of the case diary. Except the confession that too before the police the I.O. did not collect any further tangible evidence to show the involvement of the petitioner in the

case. Even according to the confession, the petitioner was not present at the place of looting but he worked as a liner. Co-accused Udit Ray has already been enlarged on bail vide Cr. Misc. No. 6147 of 2014.

Learned APP however, opposed the prayer for bail and submitted that during the course of investigation, it has come that the petitioner had talked with Arun, the main accused from his mobile number 8002052604. But, that does not connect the petitioner that he had taken part in the loot of ATM machine. The petitioner was not put on test identification parade and he is in jail since 09.10.2014.

Considering the facts aforesaid and the fact that except the confessional statement that too before the police, the I.O. did not collect any tangible evidence to show the involvement of the petitioner in the alleged crime, the petitioner above named is directed to be enlarged 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, Saran at Chapra, in Saran Town P.S. Case No. 244 of 2014.

(Prabhat Kumar Jha, J.)

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