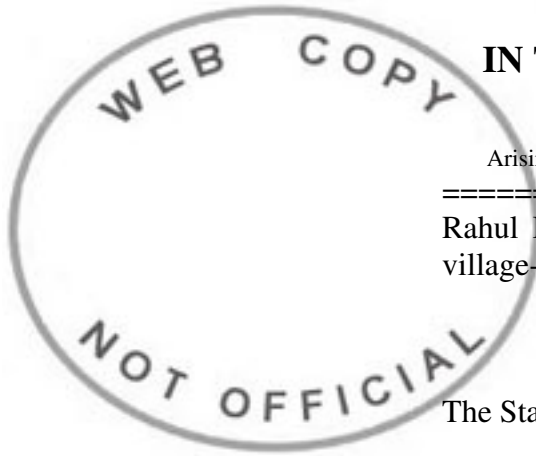




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47077 of 2015

Arising Out of PS.Case No. -468 Year- 2015 Thana -LAKHISARAI District- LAKHISARAI

=====

Rahul Kumar Son of Sri Indrajeet Kumar @ Sanjeet Kumar, resident of
village- Shamho Totaha, P.S.- Shamho, Dist.- Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Niraj Kumar

For the Opposite Party/s : Mr. Gajendra Pd.Yadav(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 15-12-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The petitioner being an engineering student is
apprehending his arrest in Lakhisarai P.S. Case No.468 of 2015
for the offence under Sections 461 and 379 of I.P.C.

Learned counsel for the petitioner submits that the
petitioner is no way connected with the present case but only on
the statement made by one Manish Kumar who has not been made
accused in this case, petitioner's name surfaced in this case.He
further submits that on the basis of confessional statement made
by one Manish Kumar who had stated that the remaining sets of



mobile were kept in room of one Rahul Kumar, recovery was made from one of the rooms of one Birendra Nath Prasad in absence of the petitioner. It is further submitted that mobile sets were also recovered from the conscious possession of said Birendra Nath Prasad who is landlord of the house in question. He further submits that so far as this petitioner is concerned, he had taken that room on rent from where the alleged recovery are said to have been made earlier, but in the month of March, 2015 room was vacated and in token thereof the petitioner's father had given receipt in personal diary as he was receiving belonging of his son from the said house of Birendra Nath Prasad. Therefore, since the petitioner had already vacated the room in question before the date of occurrence, he cannot be held responsible for the said recovery.

Considering the aforesaid facts and circumstances of the case, and that the petitioner had vacated the room from which alleged recovery has been made and also the petitioner has clean antecedent, let the petitioner, abovenamed, in the event of his arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/-

with two sureties of the like amount each to the satisfaction of
C.J.M., Lakhisarai, in Lakhisarai P.S. Case No.468/15 subject to
the conditions as laid down under Section 438(2) of Cr.P.C.

(Anjana Mishra, J)

AnilKrSinha/-

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