

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5258 of 2016

Arising Out of PS.Case No. -256 Year- 2015 Thana -PUPRI District- SITAMARHI

=====

1. Mithilesh Kumar Paswan @ Mithilesh Paswan, son of Chalitar Paswan
@ Chalitar Kumar Paswan, resident of Village- Madhupur (Madhupur
Mabbi), P.S.- Darbhanga Sadar, District- Darbhanga..... Petitioner

Versus

1. The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Madhaw Prasad Yadaw
For the Opposite Party/s : Mr. Md. A.Haque(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 30-03-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Pupri P.S.
Case No. 256 of 2015 registered for the offences punishable under
Sections 395, 397 of the Indian Penal Code in which subsequently
Section 396 of the Indian Penal Code was added.

Allegedly, dacoity was committed in the house of the
informant wherein besides cash and ornaments two Samsung
mobiles- one of the informant and another of his brother were
looted away and further during investigation injured Manoj Kumar
Chaudhary died. During investigation on the basis of call details of
the looted mobile the house of the petitioner was raided and the
petitioner was apprehended and from his possession one looted
mobile was recovered which is mentioned in paragraph 52 of the
case diary.

Submission is of false implication and that the petitioner has not been put on test identification parade, nothing has been recovered from his conscious possession, the alleged recovery appears suspicious, co-accused Jitendra Kumar Ram @ Jitendra Ram has been allowed bail by another co-ordinate Bench of this Court and as such the petitioner deserves sympathetic consideration to which learned APP seriously opposes.

In the facts and circumstances stated above, considering the alleged recovery of one looted mobile from possession of the petitioner, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

avin/-

U		T	
---	--	---	--