

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9580 of 2016

Arising Out of PS.Case No. -149 Year- 2015 Thana -BEUR District- PATNA

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Md. Rashid S/o Late Safique, R/o Issopur Amrodi Bagicha, Tenant of Md. Asbm, P.S. - Phulwarisarif and District - Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shiv Shankar Prasad Yadav, Advocate

For the Opposite Party/s : Mr. Anita Kumari(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-03-2016 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner is languishing in judicial custody since 28.7.2015 in connection with Beur P.S. Case No.149 of 2015 for offence alleged under Sections 414/34 of the Indian Penal Code.

The prosecution case is that the S.I. of Beur P.S. namely Bishambhar Prasadi gave his written report to the S.H.O. of the same P.S. alleging therein that on 26.7.2015 he along with other police officials were of night patrolling duty and at about 2.30 a.m. they reached Ganga Vihar Colony and found that three persons were coming on one motorcycle from the opposite direction of Shanti Kunj Apartment and when the informant signalled them to stop they tried to flee away after leaving the



motorcycle but they were chased and apprehended and they disclosed their names as Md. Firoz, Md. Rashid petitioner and Md. Shamshad. They further disclosed that they were wandering in order to commit theft in the house. It is further alleged that during course of search in presence of the independent witnesses from possession of Md. Firoz one Khokha and one loaded pistol was recovered and from possession of the petitioner one live cartridge was recovered for which neither they produced any paper nor replied satisfactorily. On further interrogation they stated that they earlier committed theft and further stated that they have concealed the stolen articles in a house in Ganga Vihar Colony. On this information the informant along with the accused persons went to the said Ganga Vihar Colony and on their pointing recovered L.E.D T.V., Computers and mobile phones etc. for which also no paper could be produced by the accused persons and accordingly the seizure list was prepared for those stolen articles also.

It has been submitted by the learned counsel for the petitioner that he is innocent and has committed no offence and only on self confessional statement which has no evidentiary value in the eye of law he has been made accused. It has further been stated that the petitioner has been implicated merely on the basis of suspicion and nothing has been recovered from the conscious



possession of the petitioner. For the alleged recovery of fire arms and ammunition, a separate case bearing Beur P.S. Case No.148 of 2015 has been registered in which he has already been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No.2318 of 2016 on 27.1.2016. The petitioner further submits that the other two accused named in the present F.I.R. has already been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No.3775 of 2016 dated 9.2.2016 and Cr. Misc. No.7255 of 2016 on 18.2.2016. The petitioner contends that the allegation upon him is similar of those two co-accused.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the period of custody and other accused on similar footing having been granted bail, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Patna in connection with Beur P.S. Case No.149 of 2015.

(Nilu Agrawal, J)

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