

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.51679 of 2015**

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Munna Kumar S/o Vijay Paswan, R/o Village- Bhada, P.S.- Jamonagar,  
District- Siwan

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ram Adya Singh

For the Opposite Party/s : Mr. Md.Aslam Ansari(App)

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

3 03-02-2016

Heard learned counsel for the petitioner and counsel  
for the State.

In this case, the petitioner is seeking regular bail in  
connection with Gopalpur P.S. Case No. 105 of 2015 for offence  
under Section 395 of the Indian Penal Code.

An allegation has been made that the Informant was  
carrying sand on the tractor baring Registration No. BR  
22GA0762 and some unknown five to six persons in three  
motorcycle came from behind and stopped the tractor and, on the  
point of country made pistol, took away Rs. 3000/- and also took  
away tractor. The said tractor was recovered while the petitioner  
was driving the same and was arrested.

Learned counsel for the petitioner submits that the co-  
accused, namely, Rakesh Kumar, who was also arrested by the

Police, has already been granted bail by order dated 15.10.2015 in Cr. Misc. No. 47071 of 2015 and further has submitted that no T.I. Parade has been conducted and, save and except, the petitioner was driving the tractor, no material is against the petitioner. It is also submitted that the seizure list has not been prepared in a proper manner as there is no thumb impression of the petitioner therein the same cannot be looked into and so much so that the petitioner has got no criminal antecedent.

There may be some error in the preparation of the seizure list but, the tractor was recovered from the conscious possession of the petitioner.

Looking into the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner, namely, Munna Kumar is rejected with a liberty to the petitioner to renew his prayer for bail after one year of judicial custody.

**(Shivaji Pandey, J)**

Rishi/-

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