

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33138 of 2016

Arising Out of PS.Case No. -134 Year- 2016 Thana -ROSERA District- SAMASTIPUR

Binod Paswan, son of Andu Paswan, resident of Village/Mohalla- Kolhatta,
P.S.-Rosera, District-Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate
For the Opposite Party/s : Dr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 20-09-2016 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the offences under Section 392 of the I.P.C.

The prosecution story, in brief, is that on 11.5.2016 the informant was going to his Sasural on his motorcycle bearing registration No. BR-07R-4526, three persons on motorcycle came and intercepted him and on the point of pistol one of them snatched two mobiles and Rs.22,000/- from his pocket along with voter I.D. and Aadhar card and fled away. The miscreants had covered their faces.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 14.5.2016 and the charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of

witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. There is no recovery of looted article from the possession of the petitioner. In course of investigation it is alleged that the petitioner was apprehended by the police and the informant at the time of apprehending the petitioner claimed to have identified him. No procedure for Test Identification Parade has been followed in the case. During investigation in the present case it has come in paragraph 109 of the case diary, an another/separate F.I.R. i.e. Annexure-2 is instituted for the identical incident in which one Chhotu Ram along with other two accused, namely, Badababu Yadav and Suresh Ram have confessed the commission of occurrence relating to both F.I.Rs. i.e. Annexure-2 as well as Annexure-1.

On behalf of the State, it is submitted that the name of the petitioner has come in course of investigation.

Considering the aforesaid facts and circumstances, it is directed that the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rosera in connection with Rosera P.S. case No.134 of 2016.

Narendra/-

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(Sudhir Singh, J)