

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42981 of 2016

Arising Out of PS.Case No. -130 Year- 2016 Thana -RAJIVNAGAR District- PATNA

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MD. SONU @ SONU son of Late Md. Hasan R/o Mohalla- Dargah
Sultanganj, P.S.-Sultanganj, District-Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Surendra Kumar Mishra, Advocate

For the Opposite Party : Mr. Ram Bachan Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 22-11-2016 Heard the learned counsel for the petitioner and the

learned APP for the State.

Petitioner is languishing in custody since 25.06.2016
in connection with Rajeev Nagar P.S.Case No.130 of 2016
registered for an offence punishable under Sections 399 and 402
of the Indian Penal Code and Sections 25(1-b)A, 26 and 35 of the
Arms Act.

On secret information the police along with raiding
party started for P.O. and as soon as they reached near Digha road,
they saw a Yamaha motorcycle on which there were three riders.
When the accused persons saw the police personnel, they managed
to escape taking advantage of darkness. There was one more
motorcycle of Hero Honda make which was being ridden by the

petitioner who was apprehended after a chase.

It has been submitted by learned counsel for the petitioner that he is innocent having no criminal history and after being apprehended has made a confessional statement before the police which has no evidentiary value in the eye of law. He further submits that no overt-act has been found to have been committed by the petitioner and he has been apprehended merely on the basis of suspicion.

However, learned APP for the State submits that the petitioner, being apprehended by the police, does not deserve the privilege of bail.

Be that as it may, since no overt-act has been found to have been committed by the petitioner and considering the period of custody, let the above named petitioner 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 Sushri Kshiprachla Anjali, Execution Munsif-cum-Judicial Magistrate-Ist Class, Patna in connection with Rajeev Nagar P.S.Case No.130 of 2016.

(Nilu Agrawal, J)

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