

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1438 of 2016

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1. Md. Mikail @ Mikail Son of Md. Badal, Resident of Mohalla-Asanandpur Naya Tola, Police Station Tatarpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Indra Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 12-01-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and 25(1-B)a, 26, 35 of the Arms Act.

The prosecution case is that on secret information that the miscreants are preparing to commit dacoity, raid was made, when Md. Firoz and Md. Tajim apprehended with one loaded country made pistol and one cartridge. On confession of apprehended accused Md. Firoz that they were preparing to commit dacoity in lieu with the petitioners and others, the name of the petitioner sprang up.

It is submitted by the learned counsel for the

petitioner that except confession of co-accused, there is nothing on record to suggest that the petitioner was the accomplice of the miscreants. There is no recovery from the petitioner. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent. Similarly situated co-accused Md. Rustam Mian @ Md. Rustam, whose name appear in the confession has been granted bail vide Cr. Misc. No. 39936 of 2014.

Considering the aforesaid facts, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Tatarpura) P.S. Case No. 541 of 2014, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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