

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47545 of 2016

Arising Out of PS.Case No. -67 Year- 2016 Thana -BHOJPUR GRP CASE District- BHOJPUR

1. Rabi Kumar Yadav Son of Prem Nath Yadav
2. Suraj Kumar @ Rabi Yadav @ Suraj Kr. Yadav, Son of Sahabir Yadav,
Both Resident of Village- Birampur, P.S.- Koilwar, District- Bhojpur (Ara).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

2 08-11-2016 Heard learned counsel for the petitioners as well as the
learned Additional P.P.

Two persons were standing over Platform No.1 having
five bags in front of them. Being suspicious, the informant, police
official interrogated and during course thereof, they each, apart
from disclosing their personal identity as well as being co-
villager, on opening of the bags huge quantity of wine in terms of
seizure list were seized.

Contention on behalf of the petitioners is that from
perusal of the F.I.R., it is apparent that informant had not
identified the bags belonging to each of the petitioners. In likewise
manner, it has also been submitted that there happens to be



absence of positive evidence to connect the petitioners to be the owner of the bags more particularly in the background of the fact that as per prosecution case, petitioners have disclosed that they got down from Baskodigama Express but, neither ticket has been found in possession of each of the petitioners nor during course of investigation petitioners have been identified to have travelled with Baskodigama Express. In the aforesaid background, it has been submitted that there happens to be wrong identification of the petitioners to be the owner of aforesaid two bags. Apart from this, it has also been submitted that petitioners are under custody since 29.07.2016. As per para 3 of the bail petition, the petitioners have got no criminal antecedent.

The learned Additional P.P. opposed the prayer and submitted that both the petitioners were apprehended on account of having suspicious activities. Furthermore, they on their own claim to be the owner of the aforesaid bags, from which huge quantity of wine have been seized.

In the aforesaid facts and circumstances of the case, petitioners Rabi Kumar Yadav and Suraj Kumar @ Rabi Yadav @ Suraj Kr. Yadav each are directed to 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 Rail Judicial

Magistrate, Ara in connection with Ara Rail P.S. case No.67 of 2016.

(Aditya Kumar Trivedi, J)

Narendra/-

U		T	
---	--	---	--