

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10477 of 2016

Arising Out of PS.Case No. -96 Year- 2015 Thana -DARPA District-
EASTCHAMPARAN(MOTIHARI)

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1. Vijay Shrivastava @ Babloo @ Vijay Kumar Son of Late Harendra Prasad, Resident of Village Baikunthwa, P.S. Darpa in the district of East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hareram Singh, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 08-03-2016

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, 400, 402, 414 of the Indian Penal Code and 25(1-B)a, 26, 35 of the Arms Act.

The prosecution case is that on 26.12.2015 the police received information that miscreants are planning to commit dacoity in the house of Binda Sonar. When the raid was laid Shambhu Sharan Prasad, Moti Lal Paswan and Rajeev Kumar Yadav were apprehended. From Motilal Paswan one country made pistol, three live cartridges, one used cartridge and one mobile were recovered. The accused persons accepted that they were planning to

commit dacoity in the house of Binda Sonar.

It is submitted by the learned counsel for the petitioner that petitioner has no criminal antecedent. Only on confession of co-accused the name of the petitioner has been roped in the present case. The impugned order does not suggest any material except the confession of co-accused. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent. For the occurrence of 26.12.2015 at 10.30 P.M. the First Information Report was registered on 27.12.2015 at 10.10 P.M.

Considering the fact that the name of the petitioner sprang up on confession of co-accused, coupled with the statement made in para-3 of the petition that petitioner has no criminal antecedent, 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 Sub-Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in connection with Darpa P.S. Case No. 96 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The bail bonds of the petitioner shall be accepted by the learned court below on filing affidavit to the effect that he will cooperate during investigation. The said affidavit will be

transmitted to the concerned I.O. The non-cooperation in the investigation will give liberty to the learned court below to cancel the bail bonds of the petitioner.

(Dinesh Kumar Singh, J)

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