

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10825 of 2016

Arising Out of PS.Case No. -139 Year- 2013 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

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Rakesh Sahani Son of Late Gagandeo Sahani resident of village -
Karariya, P.S. Shyampur Bhataha, District - Sheohar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate
For the Opposite Party : Mr. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-04-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Mehsi P.S. Case No. 139 of 2013 pending in the Court of
Judicial Magistrate, Sadar at Motihari, East Champaran, for the
offences instituted under Section 395 of the Indian Penal Code.

As per the prosecution case the informant alleging
therein that on 29.08.2013 at about 11.00 P.M. while he was
sleeping with his wife Usha Devi in the meantime, eight to ten
miscreants entered in his house, and broke his *Almira* and looted
away 3,00,000/- cash, mobile phones and ornaments and also
assaulted to the informant's father.

It has been submitted on behalf of the petitioner that the

petitioner has got no criminal antecedent. Petitioner is not named in the FIR. Except for the confessional statement of the co-accused, there is no other material to suggest his implication in the present case. The other co-accused has been granted regular bail by this Court vide Cr.Misc.No.2839 of 2014.

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

Considering the aforesaid facts and circumstances of the case, I am not inclined to release the above named petitioner on anticipatory bail, the same is rejected.

Anyhow, if the petitioner surrenders in the court below within a period of four weeks, the same shall be considered on its own merit without being prejudiced by this order taking into account the submissions made on his behalf.

(Sudhir Singh, J)

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