

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32145 of 2016

Arising Out of PS.Case No. -557 Year- 2015 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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Nanhaki @ Nanhaki Thakur @ Binnu Thakur @ Sudhanshu Kumar @
Nantu Thakur Son of Late Bipin Thakur Resident of Vilalge- Lahladpur
Patahi, P.S Sadar District Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Sri Anil Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

03/ 16-08-2016

Heard learned counsels for the petitioner and

the State.

The petitioner is languishing in custody since
in a case registered for the offences punishable under Sections
212, 216, 399, 402, 414 of the Indian Penal Code, 25(1-B)a/26/35
of the Arms Act and 20 & 22 of NDPS Act.

On confidential information that 9-10 boys
have come on three motorcycles near Patahi-Madhubani National
Highway and preparing to commit dacoity, raid was laid, when
seven persons were apprehended. On search arms and
ammunitions were recovered and ½ kg. ganja was also recovered
from the place of seizure. The apprehended accused persons

disclosed the names of the persons who managed to escape from the scene as Vikash Kumar and the petitioner Nanhaki.

It is submitted by learned counsel for the petitioner that admittedly there is no recovery from the petitioner and the name of the petitioner sprang up on the confessional statement of the apprehended co-accused. Though, the petitioner is accused in two other cases, namely, Muzaffarpur Sadar P.S. Case No. 525 of 2015 registered under Sections 395, 397 of the IPC and Muzaffarpur Sadar P.S. Case No. 507 of 2015 registered under Sections 395, 396 of the IPC. Supplementary affidavit has been filed making statement in paragraph 2 that the petitioner is on bail in both the cases, which reads as follows:-

“That, the cases given in para 3 of the petition i.e. Muzaffarpur Sadar P.S. Case No. 525/15 u/s 395 & 397 I.P.C. and Muzaffarpur Sadar P.S. Case No. 507/15 u/s 395 & 396 in both the cases the petitioner is on bail.”

It is further submitted that the co-accused persons, who were apprehended on the place of seizure and from whom recovery has been made, have been granted bail by co-ordinate Bench of this Court and by this Court vide Cr. Misc. Nos. 56155 of 2015, 9235 of 2016, 11623 of 2016 and 16893 of 2016.

Considering the fact that the actual recovery

was not made from the petitioner and the persons, from whom recovery has been made, have been granted bail, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge –cum- 6th Additional Sessions Judge, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 557 of 2015.

(Dinesh Kumar Singh, J)

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