

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45942 of 2016

Arising Out of PS.Case No. -287 Year- 2016 Thana -DARBHANGA SADAR District-
DARBHANGA

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Mukund Kumar Choudhary Son of Sadan Kumar Choudhary Resident of
Village- Badhauna, Police Station- Vidyapati Nagar and District-
Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.45943 of 2016

Arising Out of PS.Case No. -287 Year- 2016 Thana -DARBHANGA SADAR District-
DARBHANGA

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Shivam Kumar S/o Lalit Jha Resident of Village-Depura, P.S. Benipatti,
Dist Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.45942 of 2016)

For the Petitioner/s : Mr. Nilendu Kumar Choudhary

For the Opposite Party/s : Mr. Bharat Bhushan

(In Cr.Misc. No.45943 of 2016)

For the Petitioner/s : Md. Shahnawaz Ali

For the Opposite Party/s : Mr. Ajay Kumar-1

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 02-12-2016 Supplementary affidavit is filed on behalf of the

petitioner in Cr. Misc. No. 45943 of 2016.

Both the above stated petitions have arisen out of

Sadar P.S. Case No. 287 of 2016 registered for the offences



punishable under Sections 420, 409, 467, 468, 471, 379, 120(B) of the Indian Penal Code and accordingly, both the above stated petitions are being disposed of by this common order.

Heard learned counsels for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners are not named in the first information report but in course of investigation, the name of petitioners surfaced in this case and Rs. 1,62,500/- were recovered from possession of petitioner in Cr. Misc. No. 45943 of 2016. So far as petitioner in Cr. Misc. No. 45942 of 2016 is concerned, except confessional statement, no cogent evidence could be collected by the investigating officer against him.

Learned counsel appearing for the petitioner in Cr. Misc. No. 45943 of 2016 submits that as a matter of fact, above stated petitioner is an engineer and moreover, the seized amount had been given to him by his father which is evident from perusal of Annexures 2 and 3 to the supplementary affidavit.

Considering the aforesaid facts and circumstances as well as submissions of the parties, the prayer for bail of petitioner in Cr. Misc. No. 45942 of 2016, namely, Mukund Kumar Choudhary is allowed and it is ordered that aforesaid 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 Chief Judicial Magistrate, Darbhanga in connection with Sadar P.S. Case No. 287 of 2016.

So far as prayer for bail of petitioner in Cr. Misc. No. 45943 of 2016, namely, Shivam Kumar is concerned, taking note of this fact that some part of stolen cash is said to have been recovered from his possession, his prayer for bail stands rejected, at least, at this stage.

However, the aforesaid petitioner may renew his prayer for bail after four months, if his trial is not concluded within the above stated period.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

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