

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51524 of 2016

Arising Out of PS.Case No. -469 Year- 2016 Thana -BEGUSARAI TOWN District- BEGUSARAI

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Raja Kumar, Son of Shankar Roy, resident of Village Jagdishpur, P.S. Bhagwanpur, District Begusarai. Present address Professors Colony P.S. Ratanpur O.P. and District Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-12-2016 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in custody since 09.10.2016 in connection with Nagar P.S. Case No. 469/16 for offences punishable under Sections 399/402 of the Indian Penal Code and under Sections 25(1-b) a, 26, 35 of the Arms Act.

The prosecution case is that on secret information the police apprehended three persons including the petitioner, who were planning for commission of offence with stolen motorcycle. Four persons, however, managed to escape. From the possession of petitioner one Apache motorcycle was recovered.

It has been submitted by the learned counsel for the petitioner that no offence is made out, as it was not a case



under Section 414 IPC and nothing incriminating has been found from his possession and the country-made pistol was found from the possession of other co-accused. He submits that the petitioner has no criminal history and he is a student, who has to appear in his intermediate examination. He further submits that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, considering the period of custody and since charge-sheet has already been submitted, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Nagar P.S. Case No. 469/16.

(Nilu Agrawal, J.)

Rajesh/-

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