

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57495 of 2015

Arising Out of PS.Case No. -4 Year- 2015 Thana -PATNA GRP CASE District- PATNA

- =====
1. Mukesh Kumar Rai S/o Sri Ramashray Rai
 2. Srawan Rai, S/o Sri Ramanand Rai
- Both are resident of Village-Muradpur, P.S. Salimpur, District-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha

For the Opposite Party/s : Mr. Rita Verma(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 11-01-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Learned counsel for the petitioners seeks liberty to
withdraw the application against petitioner no. 1, namely, Mukesh
Kumar, who has already been taken into custody. Prayer of the
learned counsel for the petitioners is allowed and the application for
anticipatory bail of petitioner no. 1, is dismissed as withdrawn.

So far as petitioner no. 2, Srawan Rai, he is apprehending
his arrest in connection with R.P.F. Bakhtiyarpur P.S. Case No. 4 of
2015, registered for offences punishable under Section 3RP(UP) Act.

Learned counsel for the petitioner no. 2 submits that there has
been no recovery from conscious possession from petitioner no. 2. It is

further submitted that the name of this petitioner surfaced only on the basis of a statement made before the Police by a co-accused Vakil Rai and, therefore, the same cannot be used against the petitioner.

Considering the aforementioned facts and circumstances and that there has been no recovery from the petitioner, let the petitioner no. 2, Sarwan Rai, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of Railway Judicial Magistrate, Patna in connection with R.P.F Bakhtiyarpur P.S. Case No. 4 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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