

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1713 of 2017

Arising Out of PS.Case No. -273 Year- 2016 Thana -BIRPUR District- SUPAUL

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Santosh Sah @ Pappu Sah, son of Jay Kumar Sah, Resident of Bhim Nagar,
P.S.- Birpur, District- Supaul. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Sri Lalan Kumar

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 19-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends his arrest in connection with Birpur
(Bhim Nagar O.P.) P.S. Case No. 273 of 2016 registered for the
offences punishable under Sections 399, 402, 414 of the Indian
Penal Code, Sections 25(1-B)A, 26, 35 of the Arms Act and
Section 38(i) of the Bihar Excise and Prohibition Act, 2016.

The petitioner is named in the first information report on
the basis of statement made by the accused persons that the
motorcycle either belongs to the petitioner or to Suraj Kumar and
both have went to bring meat from the market.

Submission is of false implication and that the petitioner
was not caught at the spot and nothing was recovered from his
possession. He has got no concern with the said motorcycle, he
was not present in the association of those accused persons and



due to enmity those accused persons named the petitioner, besides the confessional statement of co-accused there is no other material against the petitioner and as such the petitioner deserves sympathetic consideration as he has no criminal antecedent.

Learned APP opposes the prayer of pre-arrest bail by submitting that arrested accused persons and petitioner have assembled in the house of Sonu Mandal to commit dacoity and four accused persons were arrested with firearms, cartridges and mobile sets etc.

In the facts and circumstances stated above, considering that the name of the petitioner has come in the confessional statement of co-accused and as such in the light of submission made on behalf of the petitioner, the petitioner above named in case of his surrender or arrest within four weeks from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Birpur (Supaul) in connection with Birpur (Bhim Nagar O.P.) P.S. Case No. 273 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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