

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5843 of 2017

Arising Out of PS.Case No. -389 Year- 2016 Thana -KRITYANAND NAGAR District- PURNIA
=====

Kundan Kumar Son of Late Subhash Chandra Yadav Vill- Tetrahi , P.S.-
Jankinagar, District- Purnia

.... Petitioner

Versus

The State of Bihar

.... Opposite Party
=====

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar

For the Opposite Party/s : Mr. Sri Matloob Rab
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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 09-03-2017 Heard learned counsel for the petitioner and learned
APP appearing on behalf of the State.

The petitioner already in custody in connection with
K. Nagar P.S. Case No.389 of 2016 is an accused in a case registered
under Section 394 of the Indian Penal Code. Later on, Section 411 of
the Indian Penal Code was also added.

Allegation in brief is that the accused persons robbed
Rs.65,600/- from a salesman of a mobile distributor company while
he was coming back after collecting money. He also mentioned two
motorcycle numbers by which the miscreants had come and robbed.

It is submitted that this petitioner, only on the basis of
confessional statement, has been made accused. Nothing has been
recovered from the possession of the petitioner. It is also submitted
that another co-accused, namely, Shashibhushan @ Lutan Yadav has



been granted bail by a coordinate Bench of this Court by order dated 03.03.2017, passed in Cr. Misc. No.6401 of 2017.

However, it appears that bail was granted to co-accused Shashibhushan @ Lutan Yadav on the ground that his name was disclosed by a co-accused in confessional statement but the case of petitioner stands on different footing as it appears from the case diary that leading to disclosure of this petitioner in his confessional statement, looted money and driving licence of the informant, robbed in the incident, was recovered from the possession of another accused Bablu Kumar Yadav. The petitioner has also one criminal antecedent of Arms Act.

Having considered the said facts and circumstances, this Court is not inclined to grant bail to the petitioner in connection with K. Nagar P.S. Case No.389 of 2016, pending before the learned Chief Judicial Magistrate, Purnia.

Prayer for bail on behalf of the petitioner is rejected.

(Arun Kumar, J.)

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