

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6363 of 2017

Arising Out of PS.Case No. -132 Year- 2016 Thana -SAHPUR District- PATNA

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Mohan Kumar, S/o Ajay Lal Rai @ Ajay Rai, Resident of Village-Village-Saguna More, P.S.-Danapur, District-Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Rajeev Nayan, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-02-2017 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in custody since 27.09.2016 in connection with Shahpur P.S. Case No. 132/2016 for offences punishable under Sections 399/402 of the Indian Penal Code and Sections 25(1-b) a/26/35 of the Arms Act.

The prosecution case, as lodged by the informant, is that the police on secret information conducted search and found an Indigo car from which the accused persons tried to flee away but five persons including the petitioner were apprehended, and, accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, has falsely been implicated in the aforesaid case and nothing incriminating has been recovered from



his possession. It is submitted that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and one of the co-accused, in whose possession a live cartridge was recovered, has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 356 of 2017 on 28.01.2017.

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 facts and circumstances, since the another co-accused has been granted the privilege of bail and that 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 Addl. Chief Judicial Magistrate, Danapur, in connection with Shahpur P.S. Case No. 132/2016.

(Nilu Agrawal, J)

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