

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27801 of 2017

Arising Out of PS.Case No. -78 Year- 2017 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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Rohan Kumar son of Rajesh Yadav, Resident of Village- Rautara, P.S.-
Rautara, District Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Bimal Kumar, Mr. Birendra Kumar &
Mr. Maruti Kumar, Advocates.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-07-2017 Learned counsel for the petitioner files a

supplementary affidavit to place on record that after the present

case the petitioner has been remanded in two other cases

mentioned in paragraph 2 of the affidavit.

Let the supplementary affidavit be placed on record.

Heard Sri Bimal Kumar, learned counsel for the
petitioner, and Sri Anand Kishore Choudhary, learned A.P.P. for
the State.

The petitioner in the present case is seeking regular
bail in connection with Samastipur Muffasil P.S. Case No.
78/2017 registered for offences punishable under Sections 414,
399, 402 and 401 of the Indian Penal Code.

Learned counsel for the petitioner submits that in the



First Information Report lodged by the Sub Inspector of Police on his own statements it is alleged that on information that some boys have assembled near the house of Vidya Paswan and are planning to commit a crime, a raid was conducted from where this petitioner along with others were apprehended. On search, from the possession of this petitioner one Chhuri, a master key and one pointed Taku as also Rs. 1,000/- in cash were recovered. Further allegation is that with regard to the motorcycle they could not produce the papers of ownership. Learned counsel submits that prior to lodging of the present case, the petitioner had no criminal antecedent, however, now he has been remanded in two other cases. In both those cases, the petitioner has been enlarged on bail by the learned court below. So far as the present case is concerned, learned counsel submits that Annexure-2 to the application would show that the motorcycle in question belongs to his father Rajesh Yadav, who has also been made an accused in the present case. Submission is that the allegations are false, the petitioner has been falsely implicated by the Sub Inspector of Police for oblique reason, the seizure is not in accordance with the provisions of the Code of Criminal Procedure and the petitioner is in custody since 21.02.2017.

Learned A.P.P. opposed the prayer for bail, however,



considering the facts and circumstances, the nature of allegations and the period of custody, let the petitioner, namely, Rohan Kumar, be enlarged on bail on his furnishing 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. V, Samastipur in connection with Samastipur Muffasil P.S. Case No. 78/2017.

(Rajeev Ranjan Prasad, J)

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