

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32092 of 2017

Arising Out of PS.Case No. -367 Year- 2016 Thana -MOTIPUR District- MUZAFFARPUR

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1. Saurabh, S/o Sudheer Singh, r/o mohalla - Bara Jagarnath, P.S. - Ahiyapur, District - Muzaffarpur.
 2. Ujjawal, S/o Ramudar Singh, r/o village - Bankat, P.S. - Baruraj, District - Muzaffarpur.
 3. Niraj, S/o Devendra Sah, r/o Village Rukmanjari, P.S. - Goroul, District - Vaishali. At present resident of village - Sahbajpur, P.S. - Ahiapur, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K Arun, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 27-07-2017 Heard learned counsel for the petitioners and the State.

The petitioners seek bail in Motipur P.S. Case No. 367 of 2016 instituted for the offence under Sections 395, 397 of the Indian Penal Code. Subsequently, Section 412 of the Indian Penal Code was added.

It has been submitted on behalf of the petitioners that no Test Identification Parade has been conducted in this case. Petitioners have been made accused merely on the statement made by the informant in the written report that the miscreants were calling the names of each other at the time of occurrence.



As per allegation in the written report the Scorpio car of the informant was intercepted by another Scorpio Car. From the said vehicle six boys step down and looted the vehicle.

It is alleged that miscreants were taking names of each other at the time of occurrence.

In such circumstances, besides the allegation that miscreants were taking names of each other, there is no any other allegation against the petitioners There is no recovery of any incriminating articles from possession of the petitioners.

Considering the facts and circumstances of the case, prayer for bail of the petitioners is allowed. Let the petitioners above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate (West), Muzaffarpur, in connection with Motipur P.S. Case No. 367 of 2016, subject to the condition that both the bailors will be the close relatives of the petitioners.

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(Sanjay Priya, J)

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