

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41673 of 2017

Arising Out of PS.Case No. -84 Year- 2017 Thana -KALYANPUR District- SAMASTIPUR

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1. Raghav Kumar @ Sakai Rai @ Skee Rai, Son of Mahesh Yadav,
Resident of Village Dilwarpur, P.S.- Bahadurur, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Jha

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Kalyanpur P.S.
Case No. 84/2017 for offences punishable under Sections 315,
400, 401, 420, 413, 414, 120-B of the Indian Penal Code.

The prosecution case, as lodged by the police
personnel, is that during course of checking of vehicle they
intercepted two motorcycles and interrogated the riders, who
disclosed their name as Vikash Kumar and Rocky Kumar. They
revealed the name of the petitioner, who had stolen the motorcycle
and assured for return on payment of money.

It has been submitted by the learned counsel for the



petitioner that he is innocent, was not apprehended on the spot and it is only on the basis of disclosure made by the apprehended co-accused and petitioner's own confession before the police, which has no evidentiary value in the eye of law that he has been made accused. He submits that nothing has been recovered from his conscious possession although the police had stated that the stolen motorcycle was recovered from the house of the petitioner and he is languishing in custody since 28.07.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent although he had been made accused in one other case under different section of the Indian Penal Code.

Considering the facts and circumstances and the materials on record, 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 Chief Judicial Magistrate, Samastipur, in connection with Kalyanpur P.S. Case No. 84/2017, subject to the condition that both the bailors would be close relatives of the petitioner.

(Nilu Agrawal, J)

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