

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53003 of 2017

Arising Out of PS.Case No. -309 Year- 2015 Thana -BARACHATTI District- GAYA

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Shani Kumar, Son of Shiv Kumar Singh, Resident of Village- Padeya, P.S.-
Barachatti, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Kunwar Narayan Jamuar

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL

ORAL ORDER

3 13-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Barachatti P.S. Case No.
309 of 2015 registered under Section 392 of the Indian Penal
Code.

Three motorcycle borne criminals are said to have
looted the bag of the informant containing Rs. 3,50,000/-, cheque
and ATM card, etc. on the point of pistol.

It is submitted by learned counsel for the petitioner
that as per the prosecution case, three accused persons are said to



have committed the occurrence. Out of them, two accused persons, namely, Lalu Yadav and Sanjiv Kumar from whose possession looted money was recovered have been enlarged on bail by learned lower court and the third one, namely, Guddu Alam from whose possession looted money was also recovered has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 26.04.2017 in Cr. Misc. No. 16627 of 2017. The petitioner happens to be fourth accused and as per the prosecution case, fourth accused was not involved in the occurrence. Though Rs. 35000/- is said to have been recovered from the tiled roof of the petitioner, but the petitioner was not present in his house at that time and moreover, the said recovery cannot be said to be from the conscious physical possession of the petitioner. Unregistered motorcycle of his relative Naval Kumar Singh has been falsely shown to be used by the miscreants in the occurrence as the miscreants had used unregistered motorcycle in the said occurrence. The petitioner was not put on T.I.P. He has been languishing in custody since 14.07.2017.

In the facts and circumstances of the case, the above named petitioner is directed to 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 the learned



Additional Chief Judicial Magistrate, Sherghati, Gaya in
connection with Barachatti P.S. Case No. 309 of 2015.

(Prakash Chandra Jaiswal, J)

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