

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50008 of 2016

Arising Out of PS.Case No. -172 Year- 2016 Thana -SARAI RANJAN District- SAMASTIPUR

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1. Rahul Kumar @ Rahul Kumar Rai son of Sri Amar Nath Rai, Resident of Village- Bajitpur Meyari, P.S.- Sarairanjan, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

3 10-02-2017 Heard learned counsel for the petitioner as well as learned APP for the State.

After throwing chilli powder over informant, three motorcycle borne criminals succeeded in snatching of motorcycle belonging to the informant. Furthermore, it has also been stated that police was informed, miscreants were chased and petitioner was apprehended along with motorcycle which has been alleged to be used during course of commission of crime at Bhagwanpur Chowk.

From para 43 of the case diary, it is evident that five persons were apprehended along with two motorcycles out of which one happens to be the case property. It is also evident that on the inculpatory extra-judicial confessional statement of



those apprehended accused, subsequent recovery was also found.

It has been stated at the end of learned counsel for the petitioner that there happens to be specific disclosure in paragraphs 45, 46 that the apprehended co-accused have made their inculpatory extra-judicial confessional statement whereupon other motorcycles were recovered but so far petitioner is concerned, it has been alleged that he was apprehended subsequently but neither he was interrogated nor there happens to be inculpatory extra-judicial confessional statement at his end which could have, at least, disclosed his status as accomplice. Contrary to it, the investigating authority was unaware and in the aforesaid background, as is evident from para-40, the informer has informed regarding presence of other co-accused at a line hotel where they were negotiating to sell the stolen motorcycle. The aforesaid eventuality clearly speaks that there happens to be absence of nexus in between the petitioner and other co-accused.

Moreover, petitioner has got no criminal antecedent and is under custody since 25.07.2016.

Learned APP opposed the prayer for bail and submitted that petitioner was apprehended soon after the occurrence along with motorcycle which was used during course of commission of crime.



Considering the merit of the case in its totality, petitioner, Rahul Kumar @ Rahul Kumar Rai is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Judicial Magistrate-1st Class, Samastipur in connection with Sarairanjan PS Case No. 172/2016.

(Aditya Kumar Trivedi, J)

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