

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6401 of 2017

Arising Out of PS.Case No. -389 Year- 2016 Thana -KRITYANAND NAGAR District- PURNIA
=====

1. Shashibhushan @ Lutan Yadav S/o Yogendra Prasad Yadav resident of
Village-Tetrahi P.S. Jankinagar District-Purnia.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, A.P.P.
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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-03-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 26.11.2016 in
connection with K. Nagar P. S. Case No. 389 of 2016 for offences
punishable under Section 394 of the Indian Penal Code, Section 27
of Arms act and later on Section 411 of the Indian Penal Code was
also added.

The prosecution case is that when the informant,
working as a Salesman in Samsung Mobile Distributor Divyani
Enterprises, Madhubani, was returning after collecting Rs.
65,600/- on his motorcycle along with his friend Gaurav Kumar
Jha, four miscreants intercepted his motorcycle and snatched
money and driving license and also snatched money, ATM Card
and Aadhar Card from his associate.

It has been submitted by the learned counsel for the
petitioner that he is innocent, has no criminal history prior to the



institution of the present case, K. Nagar P. S. Case No. 390 of 2016 has been instituted against him under the Arms Act. It is further submitted that on the confessional statement of accused, Kundan Kumar the petitioner has been arrested, which has no evidentiary value in the eye of law. He also submits that nothing has been recovered from the possession of the petitioner.

However, learned APP for the State submits that the petitioner is named by the co-accused, hence, opposes the prayer for bail.

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 Sub Divisional Judicial Magistrate, Purnea in connection with K. Nagar P. S. Case No. 389 of 2016, subject to the condition that the petitioner is directed to appear before the police/ Court on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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