

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52420 of 2016

Arising Out of PS.Case No. -5 Year- 2014 Thana -BATH District- BHAGALPUR

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Nawal Singh @ Nawal Kishore Singh, son of Arun Singh, resident of
 Village-Auranga, Police Station-Tarapur, District-Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj -Advocate

For the Opposite Party/s : Mr. Dr. Indihar Kumari-A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 16-02-2017

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

There was road robbery wherein prosecution party became victimized on account of deprivation of huge cash, mobile set. During course of surveillance, mobile set was traced out to be used by inserting SIM No.9534993551 and further, belonging to the petitioner and on account thereof, petitioner was followed apprehended and is under custody.

Contention on behalf of petitioner is that neither informant in his fard-bayan nor during course of further statement, had stated that mobile set belonging to Dharmendra Yadav was looted away by the miscreants. In likewise manner, other victim Anil Yadav, Doman Yadav also not disclosed the aforesaid event.



In Para-10 of the case diary, Dharmendra Yadav, one of the victims had certainly divulged the same, but in the background of aforesaid infirmities, same should not be taken into consideration.

On the other hand, learned Additional Public Prosecutor opposed the prayer and submitted that petitioner failed to give account over possession of stolen mobile set.

Though, from Para-115, it is apparent that petitioner was using one of the stolen mobile set, but even after submission of chargesheet, aforesaid stolen mobile set has not been traced out from the possession of the petitioner nor has been seized. Furthermore, though petitioner has got criminal antecedent, but is under custody since 31.07.2016.

In the aforesaid facts and circumstances of the case, petitioner, **Nawal Singh @ Nawal Kishore Singh** is directed to be released 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-XIII, Bhagalpur in connection with Bath P. S. Case No.05 of 2014.

(Aditya Kumar Trivedi, J)

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