

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50522 of 2017

Arising Out of PS.Case No. -2 Year- 2015 Thana -MOTIHARI RAIL P.S. District-
WESTCHAMPARAN(BETTIAH)

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Nurain Mian Son of Nazir Mian, R/o Village- Dhaka Pipra, P.S.- Dhaka,
District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Dilip Kumar Tondon, Advocate.

For the Opposite Party/s : Mr. Md. Sufiyan, APP.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 31-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Session Trial No. 172 of
2017 arising out of Rai Motihari P.S. Case No. 2 of 2015
registered under Sections 395, 365, 412 and 120B of the Indian
Penal Code.

Four miscreants are said to have looted the
ornaments of the informant in the running train and also tried to
kidnap him getting him alighted from the train. One of the
accused, namely, Sanju Kumar Nishad was apprehended while
three managed to escape. The said accused has disclosed the name
of the petitioner as one of his accomplice in the occurrence.



It is submitted by learned counsel for the petitioner that the petitioner was not apprehended on the spot. Nothing incriminating article has been recovered from his conscious physical possession. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the statement of the co-accused Sanju Kumar Nishad and the said co-accused has been enlarged on bail by a co-ordinate bench of this court vide order dated 27.05.2015 passed in Cr. Misc. No. 13954 of 2015 by a co-ordinate bench of this Court. The petitioner has been languishing in custody since 13.07.2017.

Considering the facts aforesaid, 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 2nd Additional Sessions Judge, Bettiah, West Champaran in connection with Session Trial No. 172 of 2017 arising out of Rai Motihari P.S. Case No. 2 of 2015.

(Prakash Chandra Jaiswal, J)

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