

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49782 of 2017

Arising Out of PS.Case No. -138 Year- 2017 Thana -BHAGWAN BAZAR District- SARAN

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1. Kanishak Kumar @ Bholu, S/o Late Kameshwar Singh,
2. Kunal Kumar @ Kunal Singh, S/o Late Kameshwar Singh, Resident of
Village- Mukarera, P.S.- Revilganj, Distt- Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Anuj Kumar Srivastava

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 20-12-2017 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners seek bail in connection with
Bhagwan Bazar P.S. Case No. 138 of 2017 registered under
Sections 395 and 397 of the Indian Penal Code.

Six motorcycle borne unknown criminals are said
to have snatched bag of the informant containing Rs. 70,000/- and
some documents and also his two mobiles.

It is submitted by learned counsel for the petitioners
that the petitioners are neither named in the FIR nor any
incriminating article has been recovered from their conscious
physical possession. The mobiles recovered from the possession



of the petitioners are not the stolen one rather the said mobiles are hailing to him while as per the FIR Nokia and Motorola made mobiles have been looted. There is nothing in the case diary indicating the complicity of the petitioners in the occurrence barring their confessional statement and that of co-accused which has no evidentiary value in the eye of law. The petitioners have been languishing in custody since 10.05.2017.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Bhagwan Bazar P.S. Case no. 138 of 2017.

(Prakash Chandra Jaiswal, J)

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