

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61321 of 2017

Arising Out of PS.Case No. -306 Year- 2017 Thana -RIGA District- SITAMARHI

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1. Suraj Kumar Singh S/o Akhilesh Prasad Singh, R/o Village- Narkatiya,
P.S.- Mejarganj, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Sri Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-12-2017

Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks regular bail in connection with Riga PS case no. 306 of 2017 instituted for the offences punishable under Sections 302, 115, 414, 120B, 272, 273 of Indian Penal Code, Sections 25(1-B)A, 26/35 of Arms Act and 30(A) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of mobile, sims and liquor from the various accused persons apprehended by the police.

The learned counsel for the petitioner submits that as far as the petitioner is concerned, only one mobile has been seized as such, no offence as alleged is made out against the



accused person herein. It is further submitted that the petitioner has a clean antecedent and is in custody since 30.10.2017.

The learned APP for the State however, submits that it is a peculiar case wherein, the FIR has been instituted under Section 302 of Indian Penal Code, although no such ingredient as is required for making out an offence under Section 302 of Indian Penal Code is available in the present case even if the entire FIR and the seizure list etc. are perused.

Considering the nature of accusation, period of custody undergone by the petitioner and the fact that he has a clean antecedent, the petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge I-cum-Special Judge, Excise Act, Sitamarhi in connection with Riga PS case no. 306 of 2017.

(Mohit Kumar Shah, J)

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