

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47365 of 2016

Arising Out of PS.Case No. -1063 Year- 2015 Thana -SAHARSA District- SAHARSA

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Rahul Singh @ Rahul Kumar, S/o Suresh Lal Das resident of Mohalla- New Colony Ward No.9, Saharsa, P.S.- Sadar, District- Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party : Mr. Sri Ram Bachan Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 11-01-2017 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner apprehends his arrest in connection with Saharsa Sadar P.S. Case No. 1063 of 2015, registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and Section 25(1-B)A, 26, 35 Arms Act.

Allegedly, the police apprehended three persons with arms, ammunitions and other incriminating articles and all the three persons stated the name of the petitioner that he succeeded in fleeing away and all have assembled to commit crime.

Submission is of false implication and that nothing has been recovered from the house of the petitioner, he has not been arrested at the spot, due to enmity the arrested person stated



the name of the petitioner, they have simply stated the name of the petitioner as Rahul Singh without disclosing his father's name. During investigation the name of the petitioner has been verified which has been found true but it has come that there is no criminal antecedent of the petitioner vide para 34 of the case diary. The petitioner has been made victim of the circumstances and, as such, he deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances as stated above, considering that the name of the petitioner has been taken by co-accused, who were arrested at the spot and besides that there is no other material against the petitioner and, as such, the petitioner in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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 learned Chief Judicial Magistrate, Saharsa, in connection with Saharsa Sadar P.S. Case No. 1063 of 2015, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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