IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55468 of 2017

Arising Out of PS. Case No.-119 Year-2017 Thana- AKORHIGOLA District- Rohtas

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1. Suryadev Mushar @ Nanhak, son of Late Balmuni Mushar
2. Raman Mushar , son of Suryadev Mushar
3. Shankh Mushar @ Shankha Mushar, son of Shyam Bihari Mushar,
   All three are residents of Village- Hariharganj Nahar, P.S. Akorhigola, District- Rohtas.
4. Ravi Kumar @ Ravi Mushar, son of Vijay Mushar, resident of Village- Deoriya, P.S. Akorhigola, District Rohtas.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Sri Bikramdeo Singh
Sri Sada Nand Roy
For the Opposite Party/s : Sri Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 20-11-2017 Heard Sri Bikramdeo Singh, learned counsel , assisted by Sri Sada Nand Roy, learned counsel for the petitioners and Sri Brajendra Nath Pandey, learned Additional Public Prosecutor.

Four petitioners, who are in custody in connection with Akorhigola P.S. Case No. 119 of 2017, registered for the offence under Section 457/380 of the Indian Penal Code, 1860 have prayed for grant of bail.

By way of referring to the statement made in paragraph no. 11 of the petition, learned counsel for the petitioners submits that petitioner no. 1, 2 and 4 are in custody since 17.07.2017 and they were made accused on the basis of

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confessional statement of petitioner no. 3 /Shankh Mushar @ Shankha Mushar which was made before the Police and petitioner no. 3 /Shankh Mushar @ Shankha Mushar is in custody since 13.07.2017.

Learned counsel for the petitioners submits that in the present case occurrence of theft in a picture hall had taken place on 08.07.2017 and thereafter, a written information was given by the Manager of the picture hall before the Police and thereafter, in the present case F.I.R. was lodged on 10.07.2017. Subsequently, on suspicion petitioner no. 3 was arrested on 13.07.2017 and a story was built up as if petitioner no. 3 confessed before the Police regarding commission of theft in the picture hall and in the said theft besides petitioner no. 3 petitioner no. 1, 2 and 4 were also involved.

Sri Bikramdeo Singh, learned counsel for the petitioners has argued that though the so -called confession was shown to be recorded before the Police, in the case there is no recovery and only on suspicion all the four accused persons are languishing in jail and all the petitioners are having clean antecedent, which fact has been stated in paragraph no. 3 of the petition.

Considering the nature of accusation as well as the fact

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that only on suspicion petitioner no. 3 was arrested and nothing was recovered from his possession and on his confession other three petitioners were made accused, there is no reason to further detain the petitioners in custody.

Accordingly, let the aforesaid four petitioners Suryadev Mushar @ Nanhak, Raman Mushar, Shankh Mushar @ Shankha Mushar and Ravi Kumar @ Ravi Mushar be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Dehri District : Rohtas / concerned court in connection with Akorhigola P.S. Case No. 119 of 2017 .

(Rakesh Kumar, J)

praful/-

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