

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15360 of 2018

Arising Out of PS. Case No.-319 Year-2017 Thana- TARAIYA District- Saran

Nitesh Kumar, Son of Rabindra Rai, Resident of Village- Narayanpur, Police Station- Taraiya, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Narendra Kumar
For the Opposite Party/s : Mr. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 19-03-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Taraiya P.S. Case No. 319 of 2017 registered under Sections 399, 402, 413 and 414 of the Indian Penal Code and Section 25(1-b)A, 26, 35 of the Arms Act.

The petitioner along with other accused persons are said to have assembled at the place of occurrence for committing dacoity and the petitioner and co-accused namely, Randhir Chaurasiya were apprehended on chase while other managed to escape and on search one loaded country made pistol and one mobile was recovered from the possession of Randhir Chaurasiya while one stolen motorcycle from the



possession of the petitioner.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from his conscious physical possession. He has been falsely implicated in the case merely on suspicion while he was regressing to his house from the marriage and arrived at the place of occurrence out of curiosity witnessing the mob there. No arm and ammunition has been recovered from the conscious physical possession of the petitioner. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused Randhir Chaurasiya. He has no criminal antecedent. He has been languishing in custody since 21.12.2017.

In the facts and circumstances of the case, 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 Additional Chief Judicial Magistrate-IX, Saran at Chapra in connection with Taraiya P.S. Case No. 319 of 2017.

(Prakash Chandra Jaiswal, J)

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