

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42626 of 2018

Arising Out of PS.Case No. -190 Year- 2018 Thana -RUPASPUR District- PATNA

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Md. Raju,, Son of Md. Saffique, R/o Renter in the House of Chand Mian
situated at Naya Tola, P.S.-Phulwarisharif, District-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Jitendra Singh

For the Opposite Party/s : Mr. Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL

ORAL ORDER

2 16-07-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 399, 400, 402 and 414 of the Indian
Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections
30(1), 38(2) and 41 of the Bihar Prohibition and Excise Act, 2016.

Petitioner along with other accused persons are said
to have flocked at the place of occurrence to make plan to commit
dacoity and the petitioner and other accused persons were
apprehended. From the possession of the co-accused, Noor Alam,
one loaded country made pistol and a live cartridge were seized
while 10 litres of country made liquor was seized from the Sumo
Car parked there.

It is submitted by learned counsel for the petitioner



that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern with the aforesaid occurrence. He has been falsely implicated in the case by the police merely on suspicion while he was passing through the place of occurrence at the time of occurrence. Seizure list does not bear the signature of the petitioner. He has no criminal antecedent. He has been languishing in custody since 13.05.2018. Similarly situated co-accused, namely, Raju Nat has been enlarged on bail by a co-ordinate bench of this court vide order dated 12.07.2018 passed in Cr. Misc. No. 40632 of 2018.

Considering the facts aforesaid, 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 Special Judge, Excise, Patna in connection with Rupaspur P.S. Case No. 190 of 2018.

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(Prakash Chandra Jaiswal, J)

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