

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47797 of 2018

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

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Mukut Kumar son of Late Uday Yadav, resident of Mohalla- Yarpur Pul ke
Niche, Police Station- Gardanibagh, District- Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manish Kumar No-2, Adv.

For the Opposite Party : Mrs. Meena Singh, A.P.P. - 166

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 06-08-2018 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, Section 25(1-b)a, 26 and 35 of the Arms Act and Section 30(a), 38(i) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

Petitioner along with other accused persons are said to have congregated at the place of occurrence to make a plan for committing dacoity and five accused persons named in the F.I.R. including the petitioner were apprehended while others managed to escape. From the possession of the apprehended accused Noor Alam one loaded country made pistol and one live cartridge was recovered and from the joint possession of the apprehended accused persons 10 liters of country made liquor was recovered.



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 either with the seized article or such occurrence. He has been falsely implicated in this case by the police merely on suspicion while he had gone at the place of occurrence at the time of occurrence to attend the call of nature. He has no criminal antecedent and has been languishing in custody since 13.05.2018. Similarly situated co-accused, namely, Gorakh Nat and other, Raju Nat and another and Md. Raju have been enlarged on bail by this Court and a coordinate Bench of this Court in Cr. Misc. Nos. 42071 of 2018, 40632 of 2018 and 42626 of 2018 vide order dated 12.07.2018, 12.07.2018 and 16.07.2018 respectively.

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 Special Judge, Excise Act, Patna in connection with Special case No. 4508 of 2018 arising out of Rupaspur P.S. Case No. 190 of 2018.

(Prakash Chandra Jaiswal, J)

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