

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60075 of 2017

Arising Out of PS.Case No. -102 Year- 2017 Thana -MINAPUR District- MUZAFFARPUR

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1. Raushan Kumar, son of Ram Chandra Thakur
 2. Nitin Kumar, son of late Bharat Shahi Both Resident of Village- Harka
 Manshashi, P.S. Minapur, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur-Advocate

For the Opposite Party/s : Mr. Bisheshwar Ram-A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 17.01.2018 Heard learned counsel for the petitioners as well as
 learned Additional Public Prosecutor.

One Suresh Sah was apprehended along with kidnapped boy Gufran Mansoor aged about 13 years near Shanichara Sthan within Minapur P.S. by the villagers and was being manhandled during course of which, Chaukidar arrived and rescued him by way of having his custody at Gram Kutcheri. Because of the fact that there was such kind of incidence at an earlier occasion also wherein accused were left out (relating to son of Sikandar Sah namely Vicky Kumar aged about 13 years) and so, a mob assembled, who insisted upon tit for tat, but was forbade by the police personnel as a result of which, they caused damage to the police jeep and also tried to assault the accused. During



course thereof, it has also been alleged that petitioners Nitin Kumar and Raushan Kumar snatched away Ishan Rifle from the possession of SAF Constable Mahendra Singh. They have also indulged in some sort of unwarranted activity whereunder some caught hold another SAF Constable Sidheshwar Singh. Rajan Paswan gave danda blow over the informant causing injury over his hand while rest were engaged in pelting stone and during course thereof, named 34 persons as well as more than 100 unknown.

It has been submitted on behalf of petitioners that whole case has been maneuvered by the police officials in collusion with the accused/ kidnapper otherwise there was no occasion for the police officials to identify the petitioners, resident of different village, having no criminal antecedent. Apart from this, it has also been submitted that F.I.R. was not transmitted on 13.04.2017 rather it was kept at the police station itself intentionally in order to put gravity by way of showing recovery on 13.04.2017 that too, in dramatic way keeping the rifle in between these two petitioners whose presence has been shown at the Bathan of grandfather. Had there been such kind of activity, either petitioners would have thrown away the rifle or would have escaped there with, would not have allowed possession having their



presence at their house and this theme is sufficient to undo the allegation whatever been. That being so, petitioners be released on bail.

On the other hand, learned Additional Public Prosecutor opposed the prayer and submitted that the petitioners were apprehended along with the rifle which they snatched away during course of occurrence.

Considering the manner of seizure as is found exposed from the seizure list in consonance with the absence of the criminal antecedent, being under custody since 14.04.2017, petitioners, **Raushan Kumar** and **Nitin Kumar** are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Minapur P. S. Case No.102 of 2017.

(Aditya Kumar Trivedi, J)

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