

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63661 of 2017

Arising Out of PS.Case No. -551 Year- 2017 Thana -KOTWALI District- PATNA

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Rahul Kumar @ Prince Raj, Son of Ram Pravesh Thakur @ Pravesh Thakur, Resident of Mohalla- Lodipur, New Police Line, Golamber, Chauraha, Haldigali, Police Station- Budha Colony, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Sri Braj Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 10-01-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner, in the present case, is seeking regular bail in connection with Kotwali P.S. Case No.551 of 2017, registered for offences alleged under Sections 356 and 379 of the Indian Penal Code.

As per the First Information Report, while the informant was going to Parlour, two boys came from behind on a bike and snatched away mobile from her hand. She sought but by that time both the boys fled away. It is alleged that the video footage of the said occurrence is recorded in the C.C.T.V. camera installed in the nearby houses. She has lodged the FIR on



14.10.2017 saying that after the alleged occurrence her mental condition was very bad.

Learned counsel for the petitioner submits that there is delay of six days in lodging the FIR. The petitioner is not named in the FIR, no T.I.P. has been conducted by the police and the name of this petitioner has transpired on the basis of confessional statement of co-accused.

On the other hand learned APP opposed the prayer for bail and submits that name of this petitioner has transpired on the confessional statement of co-accused Prem Pandey @ Kanhaiya.

At this stage, learned counsel for the petitioner submits that in fact the petitioner has falsely been implicated on the basis of confessional statement of co-accused. No recovery has been made from his possession, but the police has lodged a separate case under NDPS Act while 8 sachets of smacks was found in possession of one Prem Pandey @ Kanhaiya and in the said case also this petitioner has been named. Submission is that all are based on the confessional statement of co-accused without there being any independent witness.

Considering the facts and circumstances, let the petitioner, above named, be enlarged on bail on his furnishing bail



bond of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Patna in connection with Kotwali P.S. Case No.551 of 2017, subject to the conditions U/S 437(3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

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