

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56537 of 2017

Arising Out of PS.Case No. -146 Year- 2017 Thana -RAJNAGAR District- MADHUBANI

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1. KISHAN KUMAR @ KISHAN YADAV, S/o Ranjeet Yadav Resident of Village- Naya Tola- Rautara, P.S.- Rautara, District- Katihar.
2. Anand Yadav S/o Gopi Yadav @ Gopal, Resident of Village- Naya Tola, Jurabganj, P.S.- Koadha, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.
Ms. Nitu Kumari No. 7, Adv.

For the Opposite Party/s : Mr. Sri Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 11-01-2018

Heard the counsels for the parties.

The petitioners seek bail in connection with Rajnagar P.S. Case No. 146/2017 dated 15.07.2017 instituted for the offences under Sections 356, 379/34 of the Indian Penal Code.

The informant is said to have been divested of his Rs. 50,000/-, which he had taken out from Bank and he was coming back home. It has been alleged that two persons riding on a Pulsar motorcycle stopped him and took away the bag containing cash. When he protested, he was assaulted on his legs and hands leading to fracture in his hands. In the scuffle, the mobile telephone and the spectacles of one of the accused persons fell down at the spot.

During the course of investigation, the petitioners were arrested, who are said to have confessed their guilt. However,



from their possession, certain amounts of cash and one mobile telephone has been recovered.

Learned counsel for the petitioners has submitted that there is no indication about the number of the notes and mere recovery of Rs. 11,500/- cannot be said to be the sufficient material to prosecute the petitioner. It has also not been ascertained by the investigating agency that the mobile, which was found at the place of occurrence, belonged to the petitioners. The petitioners can always be in possession of some cash and mobile telephone. After the petitioners were arrested in the present case, they have been remanded in another case, reference of which has been made in para 3 of the petition.

The petitioners are in custody since 20.07.2017.

Considering the aforesaid facts, the petitioners above named are directed to be released on bail on their furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Madhubani in connection with Rajnagar P.S. Case No. 146/2017.

(Ashutosh Kumar, J.)

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