

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58416 of 2017

Arising Out of PS.Case No. -272 Year- 2017 Thana -GARKHA District- SARAN

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1. Shambhu Rai, son of Late Ram Narayan Rai, resident of Village-
Narayanpur, P.S. Garkha, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Umanath Mishra

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

03 02-02-2018

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in Garkha P.S. Case No.
272 of 2017 registered under Section 399/401/413/414/120-B/34
of the Indian Penal Code.

Two accused persons, namely, Harendra Paswan and
Bablu Kumar, were apprehended with the stolen motorcycle and
on the confessional statement of Bablu Kumar two stolen
motorcycles are said to have been recovered from the house of the
petitioner while the petitioner was absconding.

It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in this case. He has
no concern with the aforesaid occurrence. No incriminating article



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has been recovered from the conscious physical possession of the petitioner. Petitioner was not arrested on spot. The house from where the motorcycle is said to have been seized is inhabited by several members of the family of the petitioner and others. There is nothing on record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused Bablu Kumar which has no evidentiary value in the eye of law. The petitioner has been languishing in custody since 03.08.2017. Similarly situated co-accused Harendra Paswan @ Harendra Manjhi has been enlarged on bail by a co-ordinate bench of this court in Cr. Misc. No. 48679 of 2017 vide order dated 18.10.2017.

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 Additional Chief Judicial Magistrate, Saran, Chapra in connection with Garkha P.S. Case No.272 of 2017.

(Prakash Chandra Jaiswal, J)

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