

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5286 of 2018

Arising Out of PS.Case No. -370 Year- 2017 Thana -FATUHA District- PATNA

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Pankaj Kumar, Son of Mahendra Singh, Resident of Village/Mohalla-
Janardanpur, P.S.-Fatwah, District-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Sri Rajesh Kumar

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 20-02-2018 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner has been in custody since
05.12.2017 in connection with Fatuha P.S. Case No. 370
of 2017 for the offence registered under Sections 394 of
the Indian Penal Code.

Diary of the present case was called for which
has since been received.

Learned counsel for the petitioner submits that
though he is not named in the first information report nor
anyone has taken the name of the petitioner in his



confessional statement, the petitioner is being prosecuted on the basis of the facts that the mobile number of the petitioner was allegedly used at the time of occurrence. It is further submitted that the said mobile number had been lost four months prior to the date of occurrence for which the petitioner had tried to lodge a case for the same but he could not succeed. It is further submitted that there is nothing on record to show that the petitioner's mobile number was in fact used in the occurrence and there has been no recovery from the petitioner or from his house.

Learned counsel for the State submits that the diary does not reveal any particular material to indicate the role of the petitioner and it appears from the diary that the mobile/sim number had passed through several hands. There is also no recovery of any alleged article from the possession of the petitioner nor has he been placed on T.I. Parade.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Patna



City in connection with Fatuha P.S. Case No. 370 of 2017.

(Anjana Mishra, J)

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