

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71605 of 2018

Arising Out of PS. Case No.-56 Year-2018 Thana- BUXAR RAIL P.S. District- Bhojpur

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Gautam @ Gautam Kumar, Son of Daga, resident of Shahid Marg Road
Dumaraon, P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 414/401/34 of the
Indian Penal Code.

The prosecution case got initiated on the basis of a written
report dated 21.07.2018 submitted by Bashisth Singh to the
Station House Officer, Buxar Rail Police Station to the effect
that on 21.07.2018 at 8.30 A.M., the informant, along with other
police personnel, were on patrolling duty at Dumraon station
when two persons got down from a train and started fleeing
away. On chase, one of them was apprehended, who disclosed
his name as Loha Singh @ Muchhlal Singh. Upon search, 3-4



mobiles and one nose pin were recovered from the apprehended accused. The apprehended accused further disclosed the name of other person who escaped from the scene as Gautam @ Gautam Kumar, the petitioner.

It is submitted by learned counsel for the petitioner that there is no recovery from the petitioner. Moreover, even assuming the accusation to be true, no offence under Sections 414 /401 of the I.P.C. can be made out as there is no criminal case registered in connection with the articles which have been recovered from the co-accused. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner's name sprang up on the confession of co-accused.

Considering the fact that the name of the petitioner sprang up on the confession of co-accused, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of the learned ACJM, Railway, Ara, in connection with Buxar Rail P.S. Case No.56 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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