

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44190 of 2018

Arising Out of PS.Case No. -49 Year- 2018 Thana -MITHANPURA District- MUZAFFARPUR

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1. Sonu Kumar, S/o Late Awdhesh Rai, Resident of Village- Rahsa, P.S.-
Bhagwanpur, District- Vaishali.

2. Raju Kumar, S/o Bifai Rajak @ Bifai Baitha, Resident of Village-
Ratanpur, P.S.- Bhagwanpur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Satyavarat Verma

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

2 27-07-2018 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners have been in custody on their remand
in connection with Mithanpura P.S. Case No. 49/2018 since
17.04.2018 registered for the offences punishable under Sections
412/414/120B of the Indian Penal Code.

Learned counsel for the petitioners submits that they
had been taken into custody earlier in Mithanpura P.S. Case No.
48 of 2018 on 18.12.2018 on the allegations that they were
planning to commit some offence. Learned counsel for the
petitioners further submits that while they have been in custody in
connection with the aforementioned Mithanpura P.S. Case No. 48
of 2018, the petitioners were made to give confessional statement



before the police which led to the recovery of certain looted articles from their house and on recovery of such looted articles, Mithanpura P.S. Case No. 49 of 2018 (present case) was registered and, subsequently, these petitioners have also been remanded in connection with the present case. It is thus submitted that the confessional statement made before the police cannot be used against the petitioners. Learned counsel for the petitioners has also pointed out to an order dated 04.04.2018 passed in Cr. Misc. No. 19436 of 2018 wherein one Rakesh Sharma who is said to have been supporter of these two petitioners, have been extended the privilege of bail.

Having heard learned counsel for the petitioners and learned counsel appearing on behalf of the State and also after perusal of the order which has been referred to above, it appears that the said bail order was granted only in view of the fact that the petitioner therein was running a coaching institute and the recoveries were made from him were nothing but his personal belongings i.e., printer machine, sound-box, keypad and LENOVO think-pad.

So far as the present petitioners, the recovery of the looted articles as described in their confessional statement has been made and in view of the confession leading to recovery, I am



not inclined to grant regular bail.

It is accordingly rejected.

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(Anjana Mishra, J)

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