

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46823 of 2018

Arising Out of PS.Case No. -247 Year- 2018 Thana -RUPASPUR District- PATNA

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1. Anand Kumar Son of Ramchandra Mahto Resident of Village/Mohalla -
Basant Bihar Collony near Shyamal Hospital Jagdeo Path, P.S. - Rajiv
Nagar, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Smt. Meena Singh (APP)

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

2 01-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the offence
punishable under Section 392 of the Indian Penal Code and
Section 37 (b)(c) (a) of the Bihar Prohibition and Excise Act,
2016.

Three motorcycle borne criminals are said to have looted
the mobile phone of the informant. One of them, namely, Rahul
Kumar was apprehended in inebriated condition and the petitioner
and another accused managed to escape. Said Rahul Kumar named
the petitioner in the occurrence.

It is submitted by learned counsel for the petitioner that no



incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern with the seized vehicle. He has been falsely implicated in this case by the apprehended accused due to animosity. There is nothing in record indicating the complicity of the petitioner in the occurrence barring the aforesaid disclosure of the apprehended accused which has no evidentiary value in the eye of law. Petitioner was not apprehended on the spot. He has no criminal antecedent and has been languishing in custody since 20.06.2018.

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 Special Judge Excise Act, Patna in connection with Special Case No. 5687 of 2018 arising out of Rupaspur P.S. Case No. 247 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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