

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49577 of 2018

Arising Out of PS.Case No. -229 Year- 2018 Thana -NAWADA District- NAWADA

- =====
1. Md. Sabir, S/o Md. Qum, R/o Vill.- Ansar nagar, Nawada, P.S.- Bundel Khand in the District of Nawada.
 2. Mukesh Chaudhary @ Mukesh Kumar S/o Kedar Chaudhary, R/o Vill.- Nardiganj Bazar, P.S.- Nardiganj in the District of Nawada.

.... Petitioners.

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navin Sharma

For the Opposite Party/s : Mr. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

03 20-09-2018

Heard learned counsel for the petitioners and learned

APP for the State.

The petitioners seek bail in Nawada Town P.S. Case No. 229 of 2018 registered under Sections 392 and 386 of the Indian Penal Code.

Three unknown miscreants are said to have looted the mobile and cash of Rs.6000/- from the informant on the point of pistol from the gas godown and also demanded extortion of Rs.2 lakhs.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. They have no concern with the aforesaid occurrence. They are not named in the



- 2 -

F.I.R. There is nothing on record indicating the complicity of the petitioners in the occurrence barring the confessional statement of Md. Sabir recorded before the police which has no evidentiary value in the eye of law. No incriminating article has been recovered from the conscious physical possession of the petitioners or from Sudama Rai to whom as per said confessional statement petitioners are said to have sold out the looted mobile. The petitioners were not put on T.I.P. Though one more criminal case has been lodged against the petitioners but they are on bail in the aforesaid case. The petitioners have been languishing in custody since 28.04.2018. Similarly situated co-accused, namely, Akhilesh Kumar @ Akhilesh Choudhary has been enlarged on bail by a co-ordinate bench of this court in Cr. Misc. No.37979 of 2018 vide order dated 05.07.2018.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. Case No. 229 of 2018.

(Prakash Chandra Jaiswal, J)

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