

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38701 of 2018

Arising Out of PS. Case No.-76 Year-2018 Thana- KANKARBAGH District- Patna

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Somesh Kumar S/o Kapil Sah, R/o Vill.- Mohanpur, P.S.- Raghopur, District-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Atul Chandra, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-07-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner seeks bail in connection with Kankarbagh
P.S. Case No. 76 of 2018 registered for the offence punishable
under Section 394 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was returning home along with his father after
closing his shop of hardware, three miscreants on two
motorcycles on gun point snatched the bag containing Rs. Two
lakhs and other papers and cheque book of the bank.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information
Report and it is only on the basis of confessional statement of
one co-accused, Ajay Kumar Rai, who was arrested in Gandhi



Maidan P.S. Case No. 36 of 2018 that the name of the petitioner surfaced. He submits that in the confessional statement, name of other accused came to surface and one of them has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 33269 of 2018 vide order dated 05.07.2018. The petitioner is languishing in judicial custody since 24.03.2018.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of Smt. Madhvi Singh, learned Judicial Magistrate 1st Class, Patna in connection with Kankarbagh P.S. Case No. 76 of 2018, subject to the conditions that one of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J.)

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