

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4130 of 2019

Arising Out of PS. Case No.-591 Year-2018 Thana- AGAMKUAN District- Patna

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Chandra Chauhan @ Chandar Chauhan(male) aged about 25 years, Son of
Dev Das, Resident of Mohalla-Nariyal Talab, Police Station-Phulgaon,
District-Satna (M.P), Presently at Near Ramna Fashion court Stand, Police
Station-Nawada, District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No2

For the Opposite Party/s : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
20.08.2018 in a case registered for the offences punishable
under Sections 395 and 412 of the Indian Penal Code.

The prosecution case as per the written report of
Rajesh Kumar Singh submitted to SHO, Agamkuan Police
Station is to the effect that on 18.08.2018, in the midnight, seven



accused persons entered into the house of the informant and tried to rob. It is further alleged that by the help of police and neighbours, two persons were apprehended, the petitioner was one of them and from whose possession, certain robbed articles were recovered.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, no offence under Section 395 of the IPC is made out against the petitioner since only two persons were apprehended, but they did not disclose the name of other persons who escaped from the scene. It is further submitted that no robbed article has been recovered from the possession of the petitioner. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner is named in the FIR.

Considering the fact that since no robbed article has been recovered from the possession of the petitioner, hence it does not come under the purview of Section 395 of the IPC, 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 bail, on furnishing bail



bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **ACJM, Patna City, Patna** in connection with **Agamkuan P.S. Case No. 591 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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