

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5043 of 2019

Arising Out of PS. Case No.-428 Year-2018 Thana- RUPASPUR District- Patna

ROHIT KUMAR son of Rakesh Kumar Resident of Mohalla - Khajpura, Near
Shiv Mandir, P.S.- Shastri Nagar, District - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-01-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 5.10.2018 in a case registered for the offences punishable under Section 392 of the I.P.C.

The prosecution case as per the written report of Vikas Kumar dated 3.10.2018 submitted to the SHO, Rupaspur Police Station is to the effect that on the same day at 10.00 P.M., while the informant was coming to his house from Jalalpur, three scooty borne miscreants robbed the informant's mobile phone and Ten Thousand Rupees, leading to registration of FIR against unknown. The petitioner's name sprang up during investigation. It is further alleged that during investigation, a Hero Activa scooty used for commission of the offence was recovered



from co-accused Gulu Kumar.

It is submitted by learned counsel for the petitioner that there is no recovery from the petitioner. Investigation has already been concluded but the petitioner has not been put on Test Identification Parade. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the complicity of the petitioner sprang up during investigation.

Considering the fact that though the investigation has already concluded but the petitioner has not been put on Test Identification Parade, co-accused Md. Ajajul has been granted bail vide order dated 28.1.2019 passed in Cr. Misc. No.4253 of 2019 and the period under custody, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioner above named 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 the learned ACJM II, Danapur, Patna in connection with Rupaspur P.S. Case



No.428 of 2018.

(Dinesh Kumar Singh, J)

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