

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11008 of 2019

Arising Out of PS. Case No.-838 Year-2018 Thana- KHAJANCHI HAT District- Purnia

1. VIKASH KUMAR son of Ramchandra Gupta R/o Sahewan Tola, P.S.- K.Hat. District- Purnea.
2. Santosh Kumar @ Santosh son of Umesh Das R/O Durga Asthan, P.S.- Nagar, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 10.12.2018 in a case registered for the offences punishable under Sections 413, 414 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 09.12.2018 submitted by Mithilesh Kumar to the Station House Officer, K. Hat Police Station is to the effect that on 09.12.2018 at 3:00P.M., the informant received information that two thieves were apprehended with stolen articles. It is further alleged that the apprehended thieves disclosed that they used to sell the stolen articles to petitioner no. 1, Vikash Kumar. After knowing the same, the informant raided the house of petitioner no. 1 and arrested him. On



frisking, several stolen articles were recovered from the house of petitioner no. 1. On being asked, petitioner no. 1 disclosed that his brother-in-law, namely, Santosh Kumar, who is petitioner no. 2, used to purchase the stolen articles and sell the same to others. He also disclosed that he and petitioner no. 2 purchased the recovered stolen articles from co-accused Rahit, Amit, Liyakat, Sonu, Istiyaque and Mustaque. Subsequently, the house of petitioner no. 2, Santosh Kumar was raided and he was also arrested.

It is submitted by learned counsel for the petitioners that the petitioners have been roped in the present case maliciously only on the basis of confessional statement of apprehended co-accused, Amit Kumar and except that no evidence has been collected against them during investigation. It is further submitted that neither the petitioner nor the recovered articles have been put on Test Identification Parade. Though the petitioners are accused in one other case each apart from the present case, but in there case, both the petitioners are on bail.

Learned APP for the State submits that the said recovery has been made from the petitioners.

Considering the fact that the material on record



particularly the impugned order does not suggest that the recovered articles have been put on Test Identification Parade, let the above named petitioners be released 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 learned Chief Judicial Magistrate, Purnea in connection with K. Hat P.S. Case No. 838 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/devendra

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