

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10321 of 2019

Arising Out of PS. Case No.-239 Year-2018 Thana- BAUNSI District- Banka

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SURAJ GOSWAMI S/o Bholi Goswami Resident of Village- Daliya, P.S.-
Baunsi, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shree Niwas Singh

For the Opposite Party/s : Mr.Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 21-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 21.10.2018 in a case registered for the offences punishable under Sections 379, 411 of the Indian Penal Code and Sections 25(1-B)a, 26, 35 of the Arms Act.

The prosecution case got initiated on the basis of written report of A.S.I. Rakesh Kumar Gupta to the CJM, Banka, on 20.10.2018 to the effect that after having received a secret information to the effect that some persons have gathered near Sukhaniya bridge for the purpose of selling a stolen motorcycle, a raid was laid when seven persons,



including the petitioner, were apprehended. It is further alleged that on frisking, one loaded country made pistol and Rs.3330/- was recovered from the possession of co-accused Raja Ram Yadav and a motorcycle was also intercepted.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been framed in the present case. It is further submitted that admittedly no recovery has been made from the conscious physical possession of the petitioner. and 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 was apprehended on spot while gathered along with other co-accused persons for the purpose to sell the stolen motorcycle. Moreover, the petitioner has confessed his guilt.

Considering the fact that no recovery has been made from the conscious physical possession of the petitioner and the investigation being already concluded, 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 CJM, Banka in
connection with Baunsi P.S. Case No. 239 of 2018.

(Dinesh Kumar Singh, J)

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