

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10658 of 2019

Arising Out of PS. Case No.-319 Year-2018 Thana- PATNA RAIL P.S. District- Patna

VIVEK KUMAR Son of Dharmendra Prasad Resident of Village- Gulmahiya
Bagh, Police Station- Didarganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Singh

For the Opposite Party/s : Mr.Satyadeo Singh Yadav

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 14.09.2018 in a case registered for the offence punishable under Sections 395, 397 of the Indian Penal Code.

The prosecution case is that on 10.09.2018, a dacoity was committed in a train compartment of the train No.18625, Koshi Express and mobile phones, cash and other articles were robbed. It is alleged that the informant's mobile phone and cash of Rs.300/- were also robbed, leading to registration of



FIR against unknown. During investigation, the petitioner was arrested from whose possession, two mobile phones were recovered and on whose disclosure 13 mobile phones and cash of Rs.4030/- were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has mobile repair shop and recovered mobile phones belong to different customers. It is further submitted that the seized mobile phones have not been put on Test Identification Parade and the investigation has already been concluded. 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 recovery has been made from the possession of the petitioner.

Considering the fact that the impugned order does not suggest that either the petitioner or the seized mobile have been put on Test Identification Parade and the investigation being 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 ACJM, Railway, Patna, in connection with Rail P.S.
Patna Junction (Patna Sahib) Case No. 319 of 2018.

(Dinesh Kumar Singh, J)

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