

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14051 of 2019**

Arising Out of PS. Case No.-87 Year-2018 Thana- VAISHALI District- Vaishali

Jai Prakash Bhagat @ Jai Prakash Kumar, aged about 23 years (Male), Son of Naval Bhagat, Resident of Village - Vaishali Katchahary Bazar, P.S. and Distt - Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha

For the Opposite Party/s : Mr.Rina Sinha

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 07-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 26.06.2018 in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Sumeet Kumar Shahi, recorded by Rajeshwar Prasad Ray, S.I., Brahmpur P.S. is to the effect that on 09.04.2018 at about 8.00 P.M., at the petroleum dealership of the informant, Aditya Kumar Shahi (deceased) and Binod Shahi were delivering petrol to the customers. In the meantime, three persons on two motorcycles came, got the tank of their motorcycle filled up with fuel and left the place. Thereafter, six persons including the



persons who came earlier on two motorcycles again came on the petroleum dealership of the informant and tried to snatch the cash bag from Aditya Kumar Shahi, and when he made protest, the accused persons resorted to fire on Aditya Kumar Shahi who succumbed to the injury. The FIR was lodged against unknown but during investigation, the name of the petitioner sprang up on confession of co-accused Abhishek Kumar.

It is submitted by learned counsel for the petitioner that there is no recovery from the conscious physical possession of the petitioner and the petitioner has not been put on T.I.Parade. It is further submitted that the investigation has already been concluded and co-accused Abhishek Kumar Srivastava has been granted bail by a Co-ordinate Bench of this Court vide order dated 28.01.2019 passed in Cr. Misc. No. 4139 of 2019. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up on the confession of co-accused.

Considering the fact that there is no recovery from the conscious physical possession of the petitioner, the petitioner not being put on T.I.Parade till date and investigation has already being concluded, coupled with the statement made in paragraph



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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No. 87 of 2018.

(Dinesh Kumar Singh, J)

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