

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16171 of 2019**

Arising Out of PS. Case No.-1124 Year-2018 Thana- DEHRI TOWN District- Rohtas

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FAISHAL RAJA @ FAIJAL RAJA S/o Murtuza Alam R/o P.W.D. Colony,
P.S.- Dihri, District- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lal Bahadur Singh

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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

2 15-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 14.12.2018 in a case registered for the offences punishable under Sections 400, 401, 411, 414 of the Indian Penal Code and 25(1-B)a, 26(A), 35 of the Arms Act.

The prosecution case is that after having received a secret information by the informant, being the S.I.-cum-S.H.O., Dehri (T) Police station to the effect that some miscreants are preparing to commit some offence, a raid was land, but on seeing the police party, three accused persons started fleeing away from the place of occurrence, but on chase being made by the police, they were apprehended. The apprehended accused persons disclosed their names as Prakash



Kumar @ Guni, Pappu Yadav @ Prince Raj and Raj Kumar @ Mithu. On frisking, from the possession of co-accused Prakash Kumar, one loaded country made pistol and a mobile phone were recovered, while from the possession of co-accused Pappu Yadav, two live cartridges and a mobile phone were recovered whereas from the possession of Raj Kumar, two live cartridges and two mobile phones were recovered. The apprehended accused persons suggested the name of other associates and disclosed that they were planning to commit dacoity. The petitioner's name was suggested by co-accused Shanawaz Hussain.

It is submitted by learned counsel for the petitioner that there is no recovery from the possession of the petitioner and similarly situated co-accused Vishal Kumar Sharma has been granted bail by a Co-ordinate Bench of this Court, vide order dated 07.03.2019, passed in Criminal Miscellaneous No. 14210 of 2019. 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 petitioner's name sprang up on the confessional statement of co-accused.



Considering the fact that the name of the petitioner sprang up on the confessional statement of the co-accused and one of the co-accused, Vishal Kumar, whose name was also sprang up on the confessional statement of co-accused, has been granted bail by a Bench of this Court, 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 SDJM, Dihri, Rohtas in connection with Dihri (T) P.S. Case No.1124 of 2018.

(Dinesh Kumar Singh, J)

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