

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19456 of 2019

Arising Out of PS. Case No.-217 Year-2018 Thana- MAKHDUMPUR District- Jehanabad

1. BAIJU @ CHAPA Son of Satyendra yadav @ Satendra Yadav Resident of Village - Jharhapar, P.S.- Karaiparsurai, Distt.- Nalanda.
2. Satish @ Chhatish @ Chhatish Kumar Son of Surujan Prasad Resident of Village - Shan ke Bigha, P.S.- Karaiparsurai, Distt.- Nalanda.
3. Niti @ Nitin Kumar Son of Surujan Prasad Resident of Village - Shan ke Bigha, P.S.- Karaiparsurai, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudal Prasad

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-04-2019 Heard leaned counsel for the petitioners and
learned APP for the State.

The petitioners are languishing in custody since 09.10.2018 in a case registered for the offence punishable under Sections 392 of the Indian Penal Code but subsequently, by order dated 03.10.2018, it has been changed as under Section 395 of the Indian Penal Code.

The prosecution case as per the written report of



Sandeep Kumar submitted to the S.H.O., Makhdumpur (Tehata) P.S. is to the effect that on 01.07.2018 at about 08.45 P.M., the informant was going to Gaya by his i-20 Maruti Car, on the way, four miscreants in a Maruti Swift Car, overtook the informant's car, made it stop and snatched cash of Rs.6,500/-, ATM Cards, Mobile phones, jewelries and other articles. It is further alleged that all the accused persons also assaulted the informant and his driver, leading to registration of FIR against unknown. It is also alleged that during investigation, name of the petitioners sprang up on the confessional statement of co-accused Praduman @ Praduman Kumar and the Maruti Swift Car which has been alleged to be used in the commission of the offence, has been recovered from the possession of the petitioners.

It is submitted by learned counsel for the petitioners that nothing has been recovered from the conscious physical possession of the petitioners and only on the basis of confessional statement of apprehended co-accused Praduman @ Praduman Kumar, the petitioners have been roped in the present case. It is further submitted that the petitioners have not been put on T.I.P. and apprehended co-accused, Praduman @ Praduman Kumar on the basis of whose confessional statement, the name of the petitioners sprang up, has been granted bail by



Co-ordinate Bench of this Court, vide order dated 12.03.2019 passed in Cr. Misc. No.14687 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the petitioners are named in the FIR.

Considering the fact that the petitioners have not been put on T.I.P. and co-accused, Praduman @ Praduman Kumar on whose confessional statement, the name of the petitioners sprang up, has been granted bail by Co-ordinate Bench of this Court, coupled with the fact that the petitioners are not having any criminal antecedent, 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 **Additional Sessions Judge VIth, Jehanabad** in connection with **Makhdumpur P.S. Case No. 217 of 2018.**

(Dinesh Kumar Singh, J)

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