

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19423 of 2019**

Arising Out of PS. Case No.-3 Year-2018 Thana- KAHALGAON RPF/POST District-
Bhagalpur

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MD. SARTALLI @ PINKU, Son of Md. Islam Resident of Village -
Kazipura, P.S.- Kahalgaon, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Pravina Kumari

For the Opposite Party/s : Mr. Bharat Lal

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

2 02-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
05.12.2018 in a case registered for the offences punishable
under Sections 03(a) R.P.(U.P.) Amendment Act, 2012.

The prosecution case is that on 21.10.2018 during
joint observation, it was noticed that certain railway articles
have been stolen, leading to registration against one Saif Ali @



Mithu Miyan who was apprehended from the spot and disclosed the name of the petitioner and other co-accused, Niranjana @ Naru.

It is submitted by learned counsel for the petitioner that neither any stolen article has been recovered from the conscious physical possession of the petitioner nor the petitioner has been arrested from the spot and only on the basis of confessional statement of apprehended co-accused, the petitioner has been roped in the present case. It is further submitted that the investigation has already been concluded. A statement has been made in paragraph no.3 of the petitioner that the petitioner is accused in one other case apart from the present case in which, he is on bail.

Learned APP for the State submits that the name of the petitioner sprang up on the confessional statement of the apprehended co-accused.

Considering the fact that materials on record does not suggest any recovery from the conscious physical possession of the petitioner and the fact that the investigation has already been concluded, 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 7th Addl. District & Sessions Judge,
Bhagalpur, in connection with **R.P.F./Post/Kahalgaon Case**
No.03/2018/ R.P.F. Case No.7/2018.

(Dinesh Kumar Singh, J)

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