

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19102 of 2019

Arising Out of PS. Case No.-299 Year-2018 Thana- JANDAHA District- Vaishali

1. Pappu Kumar Sah, Son of Chandeshwar Sah Resident of Village- Kusaiya Rampur, P.S.- Warisnagar, District- Samastipur.
2. Ashok Sah Son of Chandeshwar Sah Resident of Village- Kusaiya Rampur, P.S.- Warisnagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh

For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-04-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 13.12.2018 in a case registered for the offences punishable under Sections 395 and 412 of the I.P.C.

The prosecution case as per the written report of Md. Murshid submitted to the SHO, Jandaha Police Station is to the effect that on 13.12.2018 at 10.30 P.M., the informant being, the driver of pickup van, was travelling from Patna City to Saharsa transporting some cosmetics articles in the van. On 14.12.2018, when they left for Saharsa, after having meal at Chak Sikandar, an Alto car overtook the pickup van and six accused persons came out of the car and on pistol point, they robbed the pickup



van along with the consignment of the cosmetic items. Thereafter, the information was given to the police station, whereupon, the said van was apprehended along with the two accused persons, namely, Raushan Kumar and Prakash Kumar. It is further alleged that the co-accused persons disclosed that the robbed articles were being purchased by the petitioners.

It is submitted by learned counsel for the petitioners that even assuming the accusation to be true, no offence of robbery is made out against the petitioners and the name of petitioners sprang up on the confession of co-accused as purchasers of the robbed articles. It is further submitted that nothing has been recovered from the conscious physical possession of the petitioners. It is further submitted that petitioners have not been put on T.I. Parade till date. A statement has been made in paragraph no.3 of the petition that the petitioner no.1 is not having any criminal antecedent and petitioner no.2 is involved in one other case in which, he is on bail.

Learned APP submits that the name of the petitioners sprang up on the confessional statement of apprehended co-accused persons.

Considering the fact that even assuming the accusation to be true, no offence of robbery is made out against



the petitioners, let the petitioners above named 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 the learned **CJM, Vaishali at Hajipur** in connection with **Jandaha P.S. Case No.299 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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