

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28348 of 2019**

Arising Out of PS. Case No.-12 Year-2018 Thana- NATIONAL HIGHWAY District-
Samastipur

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Md. Rabbani @ Rabbani S/o Md. Israfeel Resident of Village- Rajkhand,
P.S.- Tajpur District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 01-08-2019 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends his arrest in connection with

N.H. Bangra P.S. Case No. 12 of 2018 registered for the offence

punishable under Sections 414/34 of the Indian Penal Code and

Sections 25(1-B)a, 26, 35 of the Arms Act.

One looted Scorpio and two motorcycles were

seized and Md. Faiyaz was apprehended from the Scorpio while

Md. Iftekhhar Alam, Md. Tarik, Md. Parwej and Md. Kurban

from the aforesaid motorcycles and one co-accused managed to

escape from the said Scorpio. Md. Faiyaz disclosed the name of

Nand Kishore @ Nandu as his fleeing accomplice. On search of

the aforesaid accused persons, loaded pistol, live cartridge,

mobile etc. were recovered.

It is submitted by learned counsel for the petitioner



that the petitioner has no concern with the aforesaid occurrence. He has been falsely implicated in this case. No incriminating article has been recovered from conscious physical possession of the petitioner. Barring the disclosure made by co-accused, there is nothing on record to indicate the complicity of the petitioner in the occurrence and the said disclosure has no evidentiary value in the eye of law. Petitioner has no criminal antecedent.

On the other hand, learned APP opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Samastipur in connection with N.H. Bangra P.S. Case No. 12 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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