

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52220 of 2019**

Arising Out of PS. Case No.-156 Year-2018 Thana- BARAUNI District- Begusarai

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RUPESH KUMAR @ KANHAIYA @ KANHAIYA RAI @ KANHAIYA SINGH @ RUPESH KUMAR SINGH, Male, aged about 26 years, Son of Dinesh Singh, Resident of Village- Simariya, P.S.- Barauni, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Sandip Kumar Gautam, Advocate.
For the Opposite Party : Mr.Ajit Kumar,A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-08-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since 14.12.2018 in a case for the offence registered under Section 394 of the IPC in which charge sheet has been submitted under Sections 394, 302/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the informant received information to the effect that the Accountant of his Brick-kiln has been shot by some miscreants. When he reached at the spot, he found that the Accountant has received firearm injury on his chest and left arm. On enquiry, one staff, namely,



Babloo Singh, conveyed that 3-4 miscreants who had covered their faces with clothes, entered into the office, opened fire on the Accountant and took away Rs. 25,000/-, some relevant papers and Mobile Phone.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. His name has come on the basis of confessional statement of co-accused. Except for confessional statement of co-accused, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no recovery of any incriminating article from possession of the petitioner. It is further submitted that the petitioner may be released on bail after completion of one year in custody.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail after completion of one year in custody on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned J.M. Ist Class, Begusarai, in
connection with Barauni P.S. Case No. 156 of 2018.

(Sudhir Singh, J)

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