

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75786 of 2018

Arising Out of PS. Case No.-135 Year-2018 Thana- BAKHTIYARPUR District- Patna

RANDHIR KUMAR @ HADDIYA@HARIYA, Son of Sri Arvinda Kumar Ray @ Arvind Ray, a resident of Mohalla- Mittan Ghat, Gurhatta, Police Station- Khajekalan, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar, Adv.

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-01-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 18.03.2018 in a case registered for the offence punishable under Sections 395 and 412 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 17.03.2018 submitted by Avinash Raj to the Station House Officer, Bakhtiyarpur Police Station is to the effect that on 17.03.2018, the informant was returning from his village home on his Bolero vehicle, but on the way, five accused persons, including the petitioner made the vehicle of the informant stop and robbed the vehicle. On being chased by the police, three persons were apprehended, namely Golu



Kumar, Niraj Kumar and the petitioner Randhir Kumar. The petitioner disclosed the name of the persons who escaped from the scene as Aakash Kumar and Sonu Kumar. From the possession of the petitioner, half Kilogram 'ganja', a loaded pistol and four live cartridges were recovered and for the said recovery a separate case, being Bakhtiyarpur P.S. Case No. 136 of 2018 was registered in which the petitioner claims to be on bail, granted by a co-ordinate Bench of this Court vide order dated 22.11.2018 passed in Criminal Miscellaneous No. 65993 of 2018.

It is submitted by learned counsel for the petitioner that the petitioner was not apprehended from the vehicle in question, hence, it cannot be said that the petitioner was one of co-accused persons who have allegedly committed the offence of robbery of the vehicle in question. It is further submitted that only on the basis of suspicion, since the petitioner was present at the place of occurrence, he has been roped in the present case and for recovery of the afore-mentioned articles, a substantive case was lodged, the petitioner has been granted bail in that case.

Learned APP for the State after going through the case diary submits that the petitioner was found escaping from



the scene after committing robbery of the vehicle in question and was apprehended on being chased by the police.

Considering the fact that in connection with the alleged recovery a substantive case was lodged in which the petitioner has been granted bail, 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 ACJM, Barh in connection with Bakhtiyarpur P.S. Case No. 135 of 2018.

(Dinesh Kumar Singh, J)

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