

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62443 of 2019

Arising Out of PS. Case No.-117 Year-2019 Thana- DINARA District- Rohtas

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INDRADEO SINGH @ LOHA CHAUDHARY, Son of Late Bhagwan Singh,
Resident of Village - Raghunathpur, P.S.- Nokha, Dist.- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Adv.

For the Opposite Party/s : Mr.Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
28.06.2019 in a case registered for the offences punishable
under Sections 394 and 302 of the Indian Penal Code.

The prosecution case got initiated on the basis of
written report of Vipin Kumar Gupta submitted before the
Station House Officer, Dinara Police Station is to the effect
that on 24.04.2019 at 11.00 A.M. while the informant along
with his father were returning to their village by a motorcycle,
after withdrawing Rupees Four Lac from the Natwar Branch of
State Bank of India, on the way, four miscreants came on two
motorcycle and one of them resorted to fire upon the father of
the informant and robbed rupees four lakh from him.



Subsequently, the father of the informant succumbed to the injuries. The name of the petitioner sprang up on the basis of confessional statement of co-accused, Bihari Pandey.

It is submitted by learned counsel for the petitioner that the petitioner has been framed in the present case maliciously. In fact, neither there is any recovery from the conscious physical possession of the petitioner nor the petitioner has been put on Test Identification Parade. It is further submitted that similarly situated co-accused, Bharat Choudhary has been granted bail by a Co-ordinate Bench of this Court vide order dated 26.08.2019, passed in Criminal Miscellaneous No.53320 of 2019 and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

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

Considering the fact that neither there is any recovery from the conscious physical possession of the petitioner nor the petitioner has been put on Test Identification Parade, similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court, coupled with statement



made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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, Bikramganj in connection with Dinara (Bhanas) P.S. Case No. 117 of 2019.

(Dinesh Kumar Singh, J)

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