

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68361 of 2019

Arising Out of PS. Case No.-266 Year-2019 Thana- GAIGHAT District- Muzaffarpur

KUNAL KUMAR, aged about 26 years, Son of Pramod Singh, Resident of Village - Pura, P.S.- Gaighat, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Nachiketa Jha, Advocate.

For the Opposite Party : Mr.Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioner seeks bail in a case for the offence registered under Sections 399, 402 and 414 of the IPC.

The prosecution story, in brief, is that on 16.08.2019 at about 18.00 hours, the informant got information about assemblage of some miscreants at the Bathan of Vijay Kumar Rai near Hanuman Nagar. To verify the fact, he alongwith other police party reached there and seeing the police party, some persons started fleeing away from the said Bathan but one of them was apprehended. The apprehended person disclosed his name as Kunal Kumar and also divulged the names of his associates as Ankit Kumar, Vinay Kumar Rai, Kundan Kumar. On being interrogated, Kunal Kumar divulged that they were



making plan for committing loot in Petrol Pump situated in Gaighat and previously, also they had committed loot in said Petrol Pump. In presence of two independent witnesses, search was made in the Bathan of Vinay Kumar, wherefrom one without registration number of four wheeler vehicle of Tata Tiago Company and two motorbikes being Registration Nos. BR-06BN/9882 and BR-06L/7642 were recovered and accordingly, seizure list was prepared.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 18.08.2019. The petitioner has got no criminal antecedent. 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 alleged occurrence is said to have taken place in the Bathan of co-accused Vinay Kumar Rai. At the time of occurrence, the petitioner was passing by the side of the said Bathan and he was apprehended. Hence, he was made accused in the present case. The petitioner had no knowledge that the vehicles in question are stolen property.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.



Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Judge-16th-cum-A.C.J.M. Muzaffarpur, in connection with Gaighat P.S. Case No. 266 of 2019.

(Sudhir Singh, J)

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