

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26796 of 2020

Arising Out of PS. Case No.-57 Year-2018 Thana- RAJAOLI District- Nawada

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MUSTAQUE KHAN Son of Nasim Khan Resident of Village- Sikandra, P.S.-
Sikandra, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-10-2020 Heard Mr. Pankaj Kumar Sinha, learned counsel for

the petitioner and Mr. Shyam Kumar Singh, Additional Public

Prosecutor for the state through video conferencing.

2. Petitioner seeks regular bail in connection with

Rajauli PS Case No. 57/2018 registered for the offence

punishable under Section 395 of the IPC.

3. The allegation against the petitioner, as per First

Information Report, is that the truck bearing Registration No.

JH01-AV-5402 being driven by the informant, was overtaken by

a car in which there were six miscreants and out of them, four

miscreants came out and on the point of gun, fled away with the

said truck. The name of this petitioner has transpired in the

confessional statement of the co-accused, Birendra Kumar @

Prince that the petitioner is a purchaser of the truck.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as his name has transpired in this case on the basis of a confessional statement made by a co-accused, Birendra Kumar @ Prince who in his statement has stated that the truck in question was purchased by the petitioner. Learned counsel for the petitioner further submits that no recovery of the truck has been made from the possession of the petitioner or any other incriminating material has not been recovered from his possession. Learned counsel also submits that co-accused, Birendra Kumar @ Prince has been granted bail by the court below itself.

5. Learned counsel submits that other similarly situated co-accused persons, namely, Manish Kumar vide Cr. Misc. No. 79171/2018, Suraj Oram @ Abhishek vide Cr. Misc. No. 11505/2019, Kripal Yadav vide Cr. Misc. No. 15353/2019 and Kishori Yadav @ Karu Yadav vide Cr. Misc. No. 59955/2019 have been granted bail by this Court. Learned counsel for the petitioner further submits that petitioner is in custody for about more than six months i.e., since 06.03.2020.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and



the fact that similarly situated co-accused persons have been granted bail by this Court and the petitioner is in custody for about more than six months, I am inclined to grant regular bail to the petitioner.

7. Accordingly, let the petitioner, MUSTAQUE KHAN be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawadah in connection with Rajauli PS Case No. 57/2018.

8. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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