

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81600 of 2019

Arising Out of PS. Case No.-137 Year-2019 Thana- KHANPURA District- Samastipur

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RAJAN KUMAR CHOUDHARY, Son of Ram Nihora Chudhary @ Ram Nihor Choudhary, Resident of Village - Siripur Gohar @ Sripur Gahare, P.S.- Khanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 18-02-2020 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 382 and 34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Manish Kumar Chaudhary submitted before the Station House Officer, Khanpur Police Station is to the effect that on 01.10.2010, at 9.20 P.M. some unknown persons



robbed the pick up van and a mobile phone of the informant. Subsequently, the name of the petitioner, sprang up during investigation on the basis of confessional statement of apprehended co-accused, Rajesh Kumar Ray.

It is submitted by learned counsel for the petitioner that there is no recovery of any incriminating article from the possession of the petitioner, but only on the basis of mere suspicion, he has been roped in the present case. It is further submitted that though the petitioner is accused in one more case, apart from the present case, but in the said case, he is on bail.

It is submitted by learned APP for the State that the petitioner's name sprang up in the present case on the basis of confessional statement of co-accused.

Considering the fact that the name of the petitioner sprang up on the basis of confessional statement of co-accused and there is no recovery from the possession of the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Samastipur, in connection with Khanpur P.S. Case No.137 of



2019, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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