

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37466 of 2020

Arising Out of PS. Case No.-140 Year-2020 Thana- BELDOUR District- Khagaria

Mausham Kumar @ Mausham Kumar Yadav, Aged About 25 Years Son Of
Rajesh Prasad Yadav @ Rajesh Kumar Yadav Resident Of Village- Kushmol,
P.S.- Bhargama, District- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Mahendra Prasad Bhartee, Advocate
For the Opposite Party/s : Pushpa Sinha, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-03-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in Beldaur Police
Station Case No. 140/2020 registered for the offences
punishable under sections 395/412 of the Indian Penal Code.

As per the prosecution case, 5/6 unknown miscreants
riding on a Scorpio vehicle intercepted informant's trailer
carrying iron bar, unseated him and took his mobile phone and
cash Rs.4500/- and fled away with loaded iron bar towards
Saharsa.

Learned counsel for the petitioner submits that the
petitioner's name has come in the case on the confessional
statement of co-accused Raushan Kr.Singh. Petitioner is simply
a driver of Scorpio and he has nothing to do with the offence.



Petitioner is in custody since 25.7.2020. Test Identification Parade has not been carried out till date. Charge sheet has already been submitted.

Learned counsel for the State opposes the prayer for bail and submits that the Scorpio used in facilitating the crime has been recovered from the house of the petitioner and the said vehicle has been found to be in the name of his mother. This fact has come in paragraph 75 of the case diary during course of the investigation. Petitioner has got criminal antecedent as stated in paragraph 3 of the bail petition.

Considering the facts and circumstances of the case and the fact that the vehicle used in commission of offence has been recovered from the house of the petitioner, his prayer for bail is refused at this stage.

(Prabhat Kumar Singh, J)

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