

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63291 of 2021

Arising Out of PS. Case No.-116 Year-2019 Thana- SARAI RANJAN District- Samastipur

RAHUL KUMAR S/o- MUNESHWAR RAI Resident of Village- Shekhpura,
P.S.- Rajapakar, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63799 of 2021

Arising Out of PS. Case No.-116 Year-2019 Thana- SARAI RANJAN District- Samastipur

ANIL RAI S/O LAL BABU RAY @ SHANKAR PRASAD R/o village-
Teliya Banarsi Chowk, P.S.- Raja Pakar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63291 of 2021)

For the Petitioner/s : Mr. Vasant Vikas, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

(In CRIMINAL MISCELLANEOUS No. 63799 of 2021)

For the Petitioner/s : Ms. Kanchan Kumari, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-05-2022

Heard learned counsel for the parties.

The petitioners have preferred this application for
grant of regular bail in a case registered under section 392 of the
Indian Penal Code.

As per the prosecution case, a pick up van being
driven by the informant was overtook by a car. On the point of



pistol, the informant was forced to inhale an intoxicating substance as a result of which he became unconscious and the accused persons looted the vehicle as also the articles loaded on the same.

It is submitted by learned counsel appearing for the petitioner Rahul Kumar that the F.I.R. was registered against unknown. The name of the petitioner transpired in the confessional statement of co-accused Anil Rai made before police. No incriminating article has been recovered from the petitioner's possession. The petitioner who is in custody since 10.8.2021 has not been put on T.I. parade. On behalf of the petitioner Anil Rai, it is submitted that he was arrested under a suspicion. No incriminating article has been recovered from his possession and he is in custody since 10.8.2021. Chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and on perusal of the material on record, it transpires that in course of investigation Anil Rai was taken into custody and his confessional statement was recorded which led to recovery of the looted articles from the house of co-accused. It is in the said confessional statement of Anil Rai that the name of the



petitioner Rahul Kumar transpired.

In the facts of the case, the Court is not inclined to enlarge the petitioners on bail and the application is rejected.

Liberty is granted to the petitioners to renew their prayer for bail after completing one year in custody.

(Partha Sarthy, J)

Saurabh/-

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