

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53546 of 2024

Arising Out of PS. Case No.-1284 Year-2023 Thana- KHAGARIA District- Khagaria

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RUPESH KUMAR S/O BHIKHO TANTI R/O WARD NO. 19 KAMALPUR,
P.S- KHAGARIA, DISTT.- KHAGARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Aditya Vikram , Advocate Mr. Dhananjay Kumar , Advocate Ms. Priya, Advocate
For the Opposite Party/s :		Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and the

State .

2. Petitioner apprehends arrest in a case registered for
the offence punishable under section 394 of the Indian Penal
Code .

3 . Prosecution case, in brief, is that on 16-12-2023,
at about 23.30 p.m., informant along with his uncle (Mamu)
Nitish Kumar were going to his sister's place, Labhgaon, to
attend the birth day party by his motorcycle bearing registration.
No. B.R. 345-9657. As soon as they reached near Sauraidhala,
three unknown miscreants signaled to stop the motorcycle.
When the informant stopped his motorcycle , all the accused
persons snatched mobile from Nitish Kumar and caused injury



to him and also threatened with dire consequences. When Gangour police reached on the spot, all the accused persons fled away, leaving motorcycle No. D.L. 35 BN 2002.

4. Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. The name of petitioner has transpired on the confessional statement of other co-accused persons. No incriminating articles have been recovered from the conscious possession of this petitioner. Petitioner was not present at the place of occurrence and as such , no case under Section 394 of the IPC is made out against this petitioner.

5 . Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the fact that petitioner is not named in the F.I.R., and no incriminating articles have been recovered from the conscious possession of this petitioner and other circumstances of the case, in the event of arrest or surrender within eight weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned JMFC at Khagaria in connection with Khagaria (Gangour) P.S. case No. 1284 of 2023 , subject to the conditions laid down under section 438(2)



of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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