

Mahesh Kumar Roy @ Mahesh Kumar Vs. the State of Bihar

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Court : Patna

Decided On : May-19-2012

Appellant : Mahesh Kumar Roy @ Mahesh Kumar

Respondent : The State of Bihar

Judgement :

Patna High Court Cr.Misc. No.40430 of 2011 (3) dt.19-01-2012 IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous No.40430 of 2011
===== Mahesh Kumar Roy @ Mahesh Kumar, S/O-Sri Ramjeevan Rai Petitioner/s Versus The State Of Bihar Opposite Party/s
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===== CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA ORAL ORDER (Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

19. 01-2012 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State. The name of petitioner came in confessional statement of co-accused Laxman Kumar who was caught at the spot along with looted mobile and motorcycle. The aforesaid Laxman Kumar disclosed the name of the petitioner and one Sanjeev Kumar as his associates and according to prosecution case, the alleged occurrence took place on 22.12.2010. Subsequently, the petitioner was put on Test Identification Parade and he was identified by the informant as evident from the impugned order of learned court

below. The contention of learned counsel for the petitioner is that much prior to the present occurrence, the petitioner had filed Nagar (Mufassil) P.S. Case No. 366 of 2005 against the aforesaid co-accused Laxman Kumar and others and, as a matter of fact, the Patna High Court Cr.Misc. No.40430 of 2011 (3) dt.19-01-2012 aforesaid Laxman Kumar has taken the name of this petitioner on account of above stated enmity. It is also contended by him that father of co-accused Sanjeev Kumar had also filed case against the aforesaid Laxman Kumar prior to the alleged occurrence and the aforesaid co-accused Sanjeev Kumar has also been made accused in this case on the basis of statement of aforesaid Laxman Kumar. It is further contended by him that admittedly, the alleged occurrence took place on 22.12.2010 and petitioner was put on Test Identification Parade on 18.10.2011 i.e. almost after ten months of the alleged occurrence and moreover, the same informant could not identify the co-accused Sanjeev Kumar in the Test Identification Parade. Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Om Shankar, Judicial Magistrate, 1st Class-cum-A.M. Dalsingh Sarai, Samastipur in connection with Angar Ghat P.S. Case No. 84 of 2010. SHAHZAD (Hemant Kumar Srivastava, J) ANWER/-

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