

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24045 of 2015

Arising out of PS.Case No. -59 Year- 2011 Thana -AWTARNAGAR District- SARAN

Bihari Kewat, S/o Bazir Kewat, resident of village - Mirza Bigaha, Police Station - Nalanda, District – Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Raj Kishor Prasad, Advocate.

For the Opposite Party : Mr. Panchanand Pandit (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2015 The petitioner is languishing in custody since 11.03.2015 in connection with Awatar Nagar P.S. Case No. 59 of 2011 for the offences instituted under Section 394 of the I.P.C.

Heard learned counsel for the petitioner and learned counsel for the State.

The prosecution story, in brief, is that the informant was returning back from Patna to his village Dev Bahuara P.S. Marhowrah, District-Saran, on four wheeler vehicle alongwith his family members, namely, Shambhu Prasad Singh, Beena Devi, Geeta Devi, Sangeeta Devi and Saurab Raj. When the Bolero reached near the village at Ramgaraha Road, the informant saw that the road was blocked by cutting tree on road and one motor cycle and tempo was there. Bharat Prasad, the driver of Bolero



stopped the vehicle on seeing the road blocked and it is further alleged by the prosecution that three unknown culprits who were armed with deadly weapons and one culprits ordered to give the articles and one culprit wanted to assault on head of Bharat Prasad by fire arm and after seeing such situation the informant and his co-travelers handed over Rs. 42,000/- cash and golden ornaments(chain, ear-rings, golden rings etc. worth rupees three lakhs) and after taking cash and ornaments the culprits, fled away and injured Bharat Prasad was brought to hospital for treatment by help of the informant and police.

It has been submitted on behalf of the petitioner that the petitioner is not named in the F.I.R. nor there is recovery of any incriminating article from possession of the petitioner. It is further submitted that the petitioner has not been put on T.I.P. The petitioner is in custody since 11.03.2015. It is further submitted that other co-accused have been granted bail by this Court vide Cr. Misc. No. 30951 of 2013 where the said co-accused had remained in custody for a period of ten months. It is further submitted that the petitioner may be released on bail after completion of ten months in custody.

On behalf of the State, it has been submitted that the name of the petitioner has come in course of investigation.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on bail after completion of ten months in custody from 11.03.2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Saran at Chapra, in connection with Awatar Nagar P.S. Case No. 59 of 2011.

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(Sudhir Singh, J)