

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38426 of 2015

Arising out of PS.Case No. -126 Year- 2014 Thana -BARAULI District- GOPALGANJ

Wazir Ahmad Khan, Son of Imamuddin Khan, resident of Village - Lilaru,
Police Station - Goreyakothi, District - Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Raghav Prasad, Advocate.

For the Opposite Party : Mr. Uday Chand Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 08.04.2015
in connection with Barauli P.S. Case No. 126 of 2014 for the
offences instituted under Section 395 of the IPC.

The prosecution story, in brief, is that on 01.08.2014 at
5.30 A.M., the informant as Nozzle man of Petrol Pump was
filling petrol in the Vehicle, at about 8.30 A.M., six persons sitting
on three motorcycles reached at the Petrol Pump to take petrol, out
of them, one person asked to fill the petrol of Rs. 200/-, then the
person who took petrol and gave a note of Rs. 500/- to the
informant and the informant returned Rs. 300/- to him, in the
meantime, the person who was sitting in the back on the said



motorcycle threatened on the point of country made pistol to the informant and asked to hand over his bag of the money, otherwise he will shoot out, being afraid the informant handed over the bag containing money and the miscreants took a cheque worth Rs. 5,000/- of Central Bank from the pocket of the informant which was given to him by his owner as his salary, the other miscreants who were near another Nozzle-man Aas Narayan Ram, they also snatched his bag of money on the point of country made pistol and there was about Rs. 44,000/- cash amount in the bags collected after sale of petrol and after snatching the cheque and both bags, the miscreants fled away and at that time the informant identified registration number of motorcycle as B.R. 29M 1161.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 08.04.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The petitioner is not named in the FIR. No TIP has been conducted. There is no recovery of any incriminating article from possession of the petitioner. It is further submitted that the petitioner is ready to deposit an amount of Rs. 15,000/- in the court below which shall be subject to final disposal of the case.

On behalf of the State it has been submitted that the

petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs. 15,000/- in the court below which shall be subject to final disposal of the case and on doing so, let the petitioner above named, be released 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 C.J.M., Gopalganj, in connection with Barauli P.S. Case No. 126 of 2014.

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(Sudhir Singh, J)