

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36227 of 2015

Arising out of PS.Case No. -179 Year- 2015 Thana -GAYA KOTWALI District- GAYA

Amit Kumar @ Amit Yadav, Son of Amar Nath Choudhary, resident of village - Dhillia Dharmshala, Nawagarhi More, P.S. Bishnupad, District - Gaya (Bihar)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Manish Kumar No-2, Advocate.

For the Opposite Party : Mr. U.S.P Singh (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-10-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is languishing in custody since 13.05.2015 in connection with Kotwali P.S. Case No. 179 of 2015 for the offences instituted under Sections 392 and 394 of the IPC.

The prosecution story, in brief, is that the informant alongwith his brother Ashish Kumar was closing his shop at that time two persons came there and waiting for closing the shop. When the informant and his brother proceeded for his home and reached near Kirani Ghat, two persons came on the motorcycle and overtake him. It is further said that they pointed pistol and taken Rs. 13,000/- from the pocket. They also took PAN Card,

Voter ID Card and ATM Card. They also snatched from Ashish Rs. 500/-, ATM Card, ID Card and PAN Card etc. It is said that when they protested then he was assaulted by butt of pistol. They also snatched the mobile phone from his brother. Both the accused persons were aged about 25-30 years.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.05.2015 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. He has been made accused in the present case due to mistake of fact. Subsequently, the matter has been compromised between the parties which is evident from Annexure-2.

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 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., Gaya, in connection with Kotwali P.S. Case No. 179/2015.

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(Sudhir Singh, J)