

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3255 of 2015

Arising Out of PS.Case No. -106 Year- 2014 Thana -AGIAUN District- BHOJPUR

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1. Dharmendra Kumar Son of Ram Sidh Singh, Resident of Village -
Sikaraian, P.S. - Agiaon, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.3752 of 2015

Arising Out of PS.Case No. -106 Year- 2014 Thana -AGIAUN District- BHOJPUR

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1. Govind Shah Son of Salik Shah Resident of vill-Sikariya,P.S-
Garahani,Distt.-Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.3255 of 2015)

For the Petitioner/s : Mr. Amarendra Kumar

For the Opposite Party/s : Mrs. Rita Verma (App)

(In Cr.Misc. No.3752 of 2015)

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal (App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 04-03-2015 Since both the cases for bail arise out of a common

F.I.R., they have been heard together and are being disposed of by

a common order.

The respective petitioner in these two applications

seeks bail in Agiaon (Garahani) P.S.Case No. 106 of 2014

registered for the offences punishable under sections 341, 323, 395

and 504 of the Indian Penal Code.

According to the prosecution case, on 9th September, 2014 at about 10.00 p.m. 6-7 persons wearing Lungi-Ganji and Pant-Shirt having iron rod, lathi, etc. surrounded the truck of the informant, snatched the key and after pulling out the driver from the driver's seat, one of them sat on it. The miscreants started assaulting some businessmen, who were there on the truck, on the point of pistol. One of the miscreants snatched a locket from the possession of Khalasi of the truck. In the meantime, a police patrolling party reached at the place of occurrence. On seeing the police party, the miscreants tried to run away but out of them, three were apprehended. The petitioners are two of the three miscreants arrested by the police immediately after the occurrence. It has been contended by the respective counsel for the petitioners that the petitioners are innocent and they have falsely been implicated in this case. They have clean antecedent and one of the three miscreants, namely, Bajari Yadav having exactly similar allegation to that of the petitioners has already been granted bail by a Bench of this Court on 2nd February, 2015 in Cr.Misc. No. 4305 of 2015.

On the other hand, learned counsel for the State has vehemently opposed the prayer for bail. He has submitted that it is

a case of road dacoity in night and the petitioners were apprehended by the police after hot chase. From the possession of petitioner Dharmendra Kumar one dagger was also recovered.

Regard being had to the serious nature of allegation, I am unable to persuade myself to follow the order passed in Cr. Misc. No. 4305 of 2015 by which one of the co-accused has been granted bail.

Accordingly, the prayer for bail of the petitioners is rejected.

(Ashwani Kumar Singh, J)

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