

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22553 of 2015

Arising Out of PS.Case No. -55 Year- 2015 Thana -NARPATGANJ District- ARRARIA

Rustam @ Md. Rustam, Son of Late Rafique, resident of Village- Fatehpur,
Police Station - Narpatganj, District Araria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. A.M.P.Mehta(APP)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is in custody in a case registered under
Sections 394 and 411 of the Indian Penal Code.

The prosecution case, in brief, is that the informant
proceeded for his Sasural situated in Village Pithora from his
house on 5.2.2015 at 17.15 hours and at 18.30 hours he reached
at Gochar Market, taken tea, betel and sweets for his Sasural
and proceeded from there. After 20/25 minutes, when he
reached on a bridge at lonely place in village Belsandi and
Kanchangram, two person standing there from before stopped
his vehicle, took its key, got him down from the vehicle and at
knife point took away his mobile of Samsung Company

containing SIM of Airtel Company and his purse containing Rs.5,000/-. Two persons also came from below the bridge and attacked with pistol to him by which he feared much and took away his motorcycle and fled towards the village Belsandi and two persons tied his hand from back with his muffler and fled away and then he anyhow untied his hand and came to village Kanchangram at ½ Km. distance and on mobile of Rajendra Sah informed to his brother-in-law Vinod Kumar Singh on his mobile about the occurrence and started to search the culprits with his relative and reached at Fatehpur Chowk and saw a motorcycle coming from southern side and tried to stop the motorcycle but two persons on it did not stop and proceeded fastly and on seeing the number-plate, it is found that motorcycle was his and with relatives chased them on motorcycle and while fleeing away, the culprits caused fracture and serious injury to Rajesh Yadav and Sabitri Devi and the culprits lost their balance and fell down with motorcycle by which its head-light was badly damaged. Culprits also sustained injury and the villagers also assaulted the culprits. On query, they disclosed their names as Salim Seikh and Salauddin and on search, he did not find his looted mobile and cash and in course of search from the left side of waist of the co-accused, a country

made Nalkutta with a cartridge was recovered and on query about mobile and money, co-accused told that there are with their associates Saukat and Rutam.

It is submitted on behalf of the petitioner that the petitioner is in custody since 7.3.2015 and the charge sheet has been submitted in the case. It is further submitted that the petitioner has been made accused due to mistake of fact. It is further submitted that the petitioner may be released after completion of six months in custody i.e. from 7.3.2015.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail after completion of six months from 7.3.2015 on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Shri Kumar Gunjan, learned Judicial Magistrate, First Class, Araria, in connection with Narpatganj P.S. Case No.55 of 2015.

(Sudhir Singh, J)

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