

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48684 of 2015

Arising Out of PS.Case No. -124 Year- 2015 Thana -BUXAR INDUSTRIAL District- BUXAR

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Avinash Kumar Upadhyay @ Chhotu Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Amrendra Kumar-Advocate
Mr. Ravi Shanker Pankaj--Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay-(A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 03-11-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Petitioner along with Krishna Kumar Dubey,
Kanhaiya Tiwari have been named as snatchers of a motorcycle on
the pretext of firearm.

It has been submitted on behalf of petitioner that the
allegation has been levelled on account of animosity, falsity of the
case is itself evident from another F.I.R. instituted on the same day
at same place bearing Buxar Industrial Area P. S. Case no.125 of
2015, having on the self-statement of O/c Buxar Industrial Area P.
S. It has further been submitted that apart from identifying all the
culprits, it has been disclosed that occurrence took place on
Ahirauli Arjunpur Bandh while the informant, a resident of village
Arjunpur was proceeding towards Buxar. From the second F.I.R.,

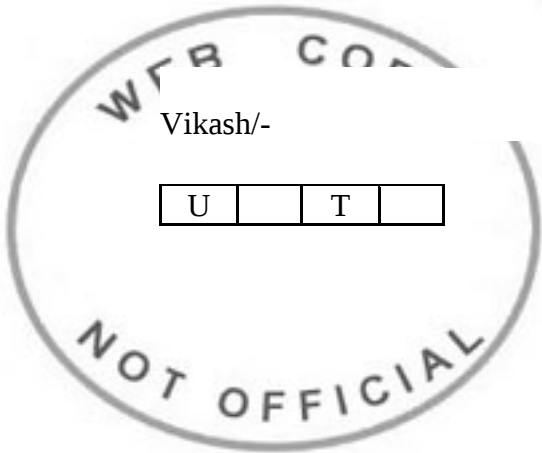


it is evident that police had gone to the place of informant, Alok Kumar Rai at village Arjunpur where petitioner along with others were found along with motorcycle as well as a loaded pistol was also said to be recovered from his possession. Had there been truthfulness in the prosecution version. There was no occasion for the petitioner along with others to go to village-Arjunpur in order to have their apprehension. Apart from this, it has also been submitted that save and except these two cases which are interconnected to each other, petitioner has got no criminal antecedent. It has further been submitted that petitioner was apprehended on 23.05.2015, but the reason best known to the police, he was remanded in this case on 03.08.2015.

On the other hand, learned Additional Public Prosecutor opposed the prayer and submitted that petitioner along with others were apprehended by the villagers facilitating their arrest by the police.

Considering the totality of the event, petitioner, **Avinash Kumar Upadhyay @ Chhotu Kumar** is directed to 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 Chief Judicial Magistrate, Buxar in

connection with Buxar Industrial Area P. S. Case no.124 of 2015.



(Aditya Kumar Trivedi, J)