

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29196 of 2016

Arising Out of PS.Case No. -134 Year- 2016 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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Nand Kishore Rai @ Nandu Rai @ Gop Ji S/o Sadhu Rai Resident of
Village- Belka, P.S. Vaishali, Distt Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Mahendra Thakur, Advocate.

For the Opposite Party : Mr. Sri Umeshnand Pandit (APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody in connection
with Sadar P.S. Case No. 134 of 2016 for the offence instituted
under Section 395 of the Indian Penal Code.

The prosecution story, in brief, is that on 03.03.2016 at
about 8.00 P.M., while the informant along with his khalasi
proceeded from Gopalganj to Siliguri with truck bearing
registration no. AS01FC/3543 with 20 tons of *Khuddi* rice and
when they reached near Indian Petrol Pump at Kachchi Pakki
chowk and parked his truck besides the road, in the meantime,
three unknown persons came there and assaulted him with butt of
the pistol and looted Rs. 35,000/- from his pocket and thereafter

put arsenic in his mouth, due to which, he became unconscious and found himself in Prasant Hospital, Muzaffarpur.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 12.03.2016. The charge sheet has been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the First Information Report and he has been made accused in the present case on the basis of his self confession. It is further submitted that the petitioner has not been put on Test Identification Parade and there is no recovery of any incriminating article from the possession of the petitioner.

On behalf of the state, it has been submitted that the petitioner is not named in the First Information Report.

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 Chief Judicial Magistrate, Muzaffarpur, in connection with Sadar P.S. Case No. 134 of 2016.

(Sudhir Singh, J.)

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