

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25982 of 2016

Arising Out of PS.Case No. -164 Year- 2015 Thana -BACHHWARA District- BEGUSARAI

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Balmiki Choudhary son of Sri Jai Ram Choudhary, resident of village
Fasteha, P.S. Bachhwara, District Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 26-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 11.4.2016
in connection with Bachhwara P.S. case No.164 of 2015 for the
offences instituted under Sections 364, 302, 392 of the IPC and 27
of the Arms Act.

The prosecution story, in brief, is that on the alleged
date and time of occurrence, the driver and helper of the tank lorry
bearing registration No. BR-09J-7729 were overpowered at the
point of pistol by the miscreants and after killing the driver and
the helper, the dead bodies were thrown and further the tank lorry
was kept at petrol pump at Musari Gharari, Darbhanga. During
investigation the petitioner and others were apprehended when

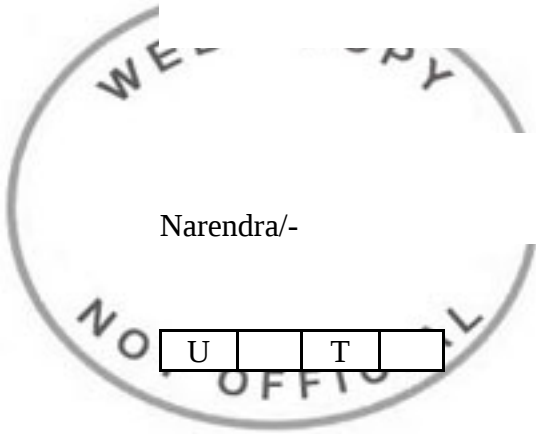
they were making plan to commit crime.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.4.2016 and the charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. The name of the petitioner has come in course of investigation on the confession of co-accused. The petitioner has not been put on Test Identification Parade. The main allegation is against the petrol pump owner, namely, Sanjeev Kumar Rai alias Pappu Jee, who has two petrol pumps and is in habit of getting such crimes operated for the purpose of selling the looted petrol which is in transit. The other co-accused have been granted bail vide Cr.Misc.No.2949 of 2016, Cr.Misc.No.9815 of 2016, Cr.Misc.No.15754 of 2016, Cr.Misc.No.18898 of 2016 and Cr.Misc.No.16263 of 2016.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that 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 Sri Pankaj

Pandey, Judicial Magistrate, 1st class, Begusarai in connection
with Bachhwara P.S. case No.164 of 2015.



Narendra/-

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(Sudhir Singh, J)