

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39847 of 2016

Arising Out of PS.Case No. -74 Year- 2015 Thana -HATHAURI District- MUZAFFARPUR

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1. Dareshwar Kumar @ Buttiya Kumar son of Chandradeo Sahni Resident
of Village-Dih Jeevar, Police Station-Hathauri, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shishir Kumar

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 02-12-2016

Heard both sides.

The petitioner seeks bail in Hathauri P.S. case No. 74
of 2015 under Section 384, 385, 387,34 of the Indian Penal Code
and under Section 25(1-b) A, 26(ii), 35 and 27 of the Arms Act.

Ramashankar Prasad, the informant, alleged that two
persons came on a motor cycle and demanded extortion of Rs.
25,000/- each. Again two persons came on foot and they were
armed with weapons and carbine. The informant named the
petitioner along with other accused persons and alleged that all the
accused persons snatched money from many businessmen.

The learned counsel for the petitioner submits that
informant was not knowing the name of petitioner. One Mithlesh
Ram was apprehended by the businessmen and others on the spot,
who disclosed the name of petitioner and other accused persons
but the police recorded the statement of informant as if the



informant was knowing the names of all the accused persons from before. The petitioner was not apprehended on the spot. It is further submitted that from perusal of the case diary it appears that the businessman, who was robbed, stated that firstly Mithilesh Ram was apprehended and he disclosed the name of the petitioner. The petitioner is in jail since 22.06.2016 but he has not been put on T. I. parade. Jhameli Sahni has already been granted bail by the court below.

It appears that during the course of investigation, of course, the businessman, who was robbed, disclosed that firstly Mithilesh Ram was apprehended and he disclosed the name of petitioner and other accused persons, who managed to flee away but from perusal of paragraph 14 and onwards of the case diary, it appears that witnesses of vicinity named the petitioner and others and they disclosed that petitioner and others, having armed with different weapons, came and looted the businessmen.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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