

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36604 of 2016

Arising Out of PS.Case No. -41 Year- 2016 Thana -KATIHAR GRP CASE District- KATIHAR

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1. Rama Shankar Mishra S/o Rajgiri Mishra resident of Village Rampur, P.S.- Mohania, District- Kaimur.
 2. Satyendra Kumar, S/o Late Birendra Prasad, resident of Village Gheghtha, P.S- Muffasil, District- Chhapra (Saran).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Pd. Singh

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Katihar Rail P.S. Case No. 41 of 2016 registered under Section 384/34 of the Indian Penal Code.

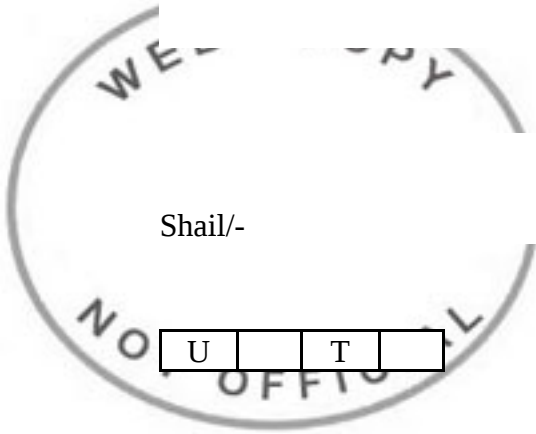
The allegation of informant Md. Tohidur is that on 09.06.2016, he along with his villagers Mukhtar and Shah Alam boarded in Train No. 15483, Mahananda Express, at Lama Station for going to Delhi. When the train proceeded from Katihar, two Police Officials, one healthy and another short person demanded I-Card then he handed over I-Card. Thereafter, they demanded Rs. 200/- then he replied that he has no cash Rs. 200/- and only gave Rs. 50/- to the constable, who

was healthy in physique and Shah Alam also gave Rs. 50/- to other constable. Both constables also took Rs. 150/- to other passengers.

Learned counsel appearing on behalf of the petitioners submits that it would appear from the F.I.R. itself that the fardbeyan of the informant Md. Tohidur was recorded by Viveka Nand Prasad, S.H.O. Rail P.S. Thana Bihpur in General Coach of Trian No. 15483-up at about 21:58 pm., on 09.06.2016 and search was made. At that time, from both the petitioners, total Rs. 141/-, whereas Rs. 40/- and Rs. 200/- were recovered from pockets of P.T.C. 348 Girja Nand Singh and constable 248 Randhir Kumar respectively. While the informant lodged the case with detailed physique of both the constables, but the petitioners were not placed before the informant for identification.

Having considered the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Railway Magistrate, Katihar in connection with Katihar Rail P.S. Case

No. 41 of 2016, subject to the condition as laid down under
Section 438(2) of the Cr. P.C.



(Rajendra Kumar Mishra, J)