

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2313 of 2017

Arising Out of PS.Case No. -193 Year- 2016 Thana -GAYA RAIL P.S. District- GAYA

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1. Pankaj Yadav @ Pankaj Kumar,
 2. Kamal Yadav @ Kamal Kumar,
 3. Kaushal Kumar,
 4. Sanjay Kumar Yadav @ Sanjay Kumar, All are son of Mithlesh Yadav, resident of Mohalla- Chandauti, P.S.- Rampur, District- Gaya.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav

For the Opposite Party/s : Mr. Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 09-02-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Gaya Rail P.S. Case no. 193 of 2016, registered under Sections 147, 148, 149, 504, 323, 324, 384, 307, 379 and 353 of the Indian Penal Code and Section 27 of Arms Act.

The allegation of informant, namely, Bijendra Sharma is that he is manager of Maharani Bus Service and on 23.07.2016 at about 7.45 P.M. when his bus bearing Reg.No. BR-027-2851 reached near Gaya Railway Station, then petitioners forcibly parked his bus in the railway campus on the point of pistol on which protest was made by Yogendra Sharma, driver of the bus, then petitioner no.2 and 3 assaulted him though fists, slaps and butt of the pistol. At that time, petitioner No. 2 stashed Rs. 1800/- from his pocket. In the meantime, his another vehicle bearing Reg. No. BR-027-2751 also arrived at Gaya station then petitioners and his associates also forcibly brought the said vehicle inside the bus stand on protest of his staff Laldeo Das,



petitioner snatched Rs. 1400/- from the pocket of Laldeo Das. At that time to create terror, indiscriminate firing was made and the bus was also damaged by the accused persons.

Learned counsel for the petitioners submits that, in fact, there are dispute in between the petitioners and proprietor of Maharani bus regarding stand for parking vehicle, due to that reason on the date of occurrence in the morning when the petitioner No.1 was coming out from the Railway Station, Gaya then he was asked to not claim about parking of the vehicle and on protest firing was made in which one Daya Guddu sustained fire arm injury regarding which petitioner No.2 Kamal Yadav lodged GRPS Case No. 192 of 2016 against owner of Maharani Transporter and others and only to save the skin the present case has been lodged.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their 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 Judicial Magistrate, Gaya in connection with Gaya Rail P.S. Case No. 193 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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