

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25414 of 2018

Arising Out of PS.Case No. -26 Year- 2018 Thana -
KUCHAIKOTE District- GOPALGANJ

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Bhola Munshi @ Awadhesh Tiwary S/o Dinanath Tiwary, R/o
Vill.- Balthari, P.S.- Kuchaikot, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Upadhyay

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 17-05-2018 The petitioner seeks bail in connection with Kuchaikot
P.S. Case No. 26 of 2018 dated 27.01.2018 instituted for the
offences under Sections 341, 323, 325, 379, 307, 504, 506
of the Indian Penal Code.

The informant, who is the driver of a truck, has
alleged that on 26.01.2018 while he was crossing Jalalpur
check-post, he was asked by one of the constables standing
near the check-post to meet one Rajendra and the petitioner.
He was taken before the aforesaid Rajendra and the
petitioner where he was asked for Rs. 5000/-. When the
informant made them understand that he had already
obtained receipt/tax of Rs. 1100/-, he was assaulted and was
divested of Rs. 10,000/- which he was carrying on his
person. Later, he was made to sleep on the road and only
when petitioner and aforesaid Rajendra thought that he had



died, they left the place of occurrence.

The learned counsel for the petitioner has submitted that an absolutely false and concocted case has been lodged by the informant who was trying to run away from the check-post without paying the tax. It has further been submitted that the petitioner, at the relevant time, was employed as private driver of aforesaid Rajendra who was the R.T.O. posted at the aforesaid place. Only because the informant was asked to pay toll tax, he has chosen to file the present case.

Be that as it may, there was no occasion for the petitioner to have done anything to the informant as he is only a privately employed driver with the R.T.O/accused.

The petitioner is in custody since 18.03.2018 and does not have any criminal antecedent.

Considering the aforestated facts, the petitioner, above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 7th, Gopalganj in connection with Kuchaikot P.S. Case No. 26 of 2018.

(Ashutosh Kumar, J)

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