

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.286 of 2018

Arising Out of PS.Case No. -508 Year- 2017 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Jai Prakash Gupta, Son of Gurhu Sah @ Dhurahu Prasad, Resident of
Village- Awari, P.S.- Mohania, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 12-01-2018

Heard learned counsel for the petitioner and

the learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Mohania P.S. Case No. 508 of 2017 registered for the offence punishable under Sections 394 of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that although the allegation against the petitioner is that he was arrested when he was indulged in looting of the truck driver, Submission is that the petitioner was going on his motorcycle and he was in fact pushed down by the truck and thereafter an altercation took place. In this process when police party came the petitioner was arrested and a false case was lodged against him.



Learned counsel submits that there is no injury on the head of the driver as alleged could be found and nothing has been recovered from the possession of the petitioner.

On the other hand, learned counsel representing the State submits that the petitioner was arrested when he was committing robbery and this petitioner had assaulted the truck driver.

Considering the facts and circumstances of the case and materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 15,000/- (Rupees fifteen thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua, in connection with Mohania P.S. Case No. 508 of 2017, subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure.

Before releasing the petitioner, the court below shall look into the records to find out whether there was any injury on the head of the driver as alleged, because statement of the learned counsel for the petitioner is that in fact no injury was found on his body, if any grievous injury is



found on the head, then, the petitioner shall not be released on bail.

Accordingly, this application stands disposed off.

(Rajeev Ranjan Prasad, J.)

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