

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6911 of 2018

Arising Out of PS. Case No.-51 Year-2017 Thana- KOTHIGRAM District- Gaya

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1. Pawan Sao,
 2. Pankaj Sao, Both are sons of Arjun Sao, Resident of Village- Sobari, P.S.- Kothi, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan

For the Opposite Party/s : Mr. SMT. ASHA DEVI

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 28-02-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners, who are in custody, seek bail in connection with Kothi P.S. Case No. 51 of 2017 registered for the offence punishable under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Section 25 (1-b) a, 26, 27, 35 Arms Act.

The informant in his fardbeyan on 24.10.2017 at about 05:10 PM has stated that money of Upendra Sao, Mausera uncle of the informant was due since long to Pawan Sao and Pankaj Sao. The uncle of the informant told him to apprehend Pawan Sao who was standing on bank of river Morhar near Ashibar Government School and thereafter, informant along



with five other co-villagers proceeded on motorcycles for apprehending Pawan Sao and as soon as they reached near the said school, they saw Pawan Sao and after seeing them Pawan Sao started fleeing away and reached near his house. Thereafter Pawan Sao and Pankaj Sao came there with revolver and Pankaj Sao opened single fire and overpowered them on the point of revolver and assaulted them and on seeing the police they took to their heels with fire arms and Pawan Sao was apprehended with a country made loaded pistol with a live cartridge and Pankaj Sao succeeded to flee away. It has also alleged that in course of assault Pawan Sao and Pankaj Sao snatched mobile phone from the informant and Quaisar Ansari and purse containing ATM card of PNB and Adhar card from Suresh Kumar Bharti and seizure list was prepared of recovered articles.

Learned counsel for the petitioners submitted that they are innocent and have been falsely implicated in this case. It has been further submitted that petitioners are implicated in this case at the instance of Upendra Sao with the collusion of the police. No arms and ammunition have been recovered from the possession of petitioner No. 1 and nothing has been



snatched by the petitioners. It has further been submitted that Petitioners and informant party are known to each other and they came to extort money from the petitioners. It has further been submitted that petitioner No. 1 is in custody since 25.10.2017 and petitioner No. 2 is in custody since 15.12.2017.

considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Gaya, in connection with Kothi P.S. Case No. 51 of 2017.

(S. Kumar, J)

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