

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5064 of 2019

Arising Out of PS. Case No.-513 Year-2018 Thana- GARKHA District-

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1. Sanjay Kumar,, aged about 29 years, Son of Chandrama Ray, Resident of Village-Sutihar, P.S-Derni, District - Saran
 2. Ram Babu Rai, aged about 25 years, Son of Parmeshwar Ray, Resident of Village-Sutihar, P.S-Derni, District -Saran
 3. Kamlesh Kumar @ Kangres Kumar, aged about 20 years, Son of Rambrichh Ray, Resident of Village-Sutihar, P.S-Derni, District -Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Digvijay Narayan Singh

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 30-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 26.11.2018 in a case registered for the offences punishable under Sections 386/34 of the Indian Penal Code.

The prosecution case as per the written report of Amarnath Kumar Ray submitted to the Station House Officer of Garkha Police Station is to the effect that on 24.11.2018 the informant was taking his truck loaded with sand then he was intercepted by the miscreants who were travelling on a silver colour car, they made their car stop in front of the truck of informant and demanded Rs.50,000/- as extortion and when the informant refused to give such amount, they took away Rs.15,000/- and a mobile phone from the pocket of the



informant and an ATM card, a driving licence, a mobile and Rs.20,000/- from the driver of the truck, Mahendra Paswan.

It is submitted by learned counsel for the petitioners that, in fact, there was a hot exchange between the petitioners and the driver of the truck on the way while they returning from Sonepur fair and this is the reason, accusation has been levelled and maliciously the petitioners have been identified by the by the witnesses, Mahendra Paswan and Santosh Rai. Though, the seizure has been made but from the seizure list it appears that the seizure list has neither been signed by the petitioners nor does the seizure list include the robbed articles i.e., cash, ATM card, driving licence and mobile phone. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR and they have been identified by the witnesses.

Considering the fact that the petitioners were apprehended on the spot but robbed articles were not recovered from their possession and the facts that the informant was known to the petitioners from before with their name, parentage and address, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal



antecedent, let the above named petitioners be released on bail,
on furnishing bail bond of Rs.10,000/- (Ten thousand) each with
two sureties of the like amount each to the satisfaction of
learned Additional Chief Judicial Magistrate-XIV, Saran at
Chapra in connection with Garkha P.S. Case No. 513 of 2018.

(Dinesh Kumar Singh, J)

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