

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5310 of 2019

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

Kamleshwar Rai, aged about 30 years (male), Son of Nageshwar Prasad Rai
@ Nageshwar Ray, Resident of Village-Kharidaha, Police Station- Bheldi,
District- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-01-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since 26.07.2018
in a case registered for the offences punishable under Sections
386/34 of the IPC.

The prosecution case, as per the written report of Amar
Nath Kumar Rai, dated 25.11.2018, submitted to the Station
House Officer, Garkha Police Station, is to the effect that on
24.11.2018, the informant, being the driver of the truck was
carrying sand in the truck, in the meantime, a car overtook and
made the truck stop. From the car, five accused persons



including the petitioner came out and initially demanded extortion of Rs. 50,000/-, from the driver and subsequently they snatched Rs. 15,000/- and a mobile phone from the informant and Rs. 20,000/- and mobile phone from the co-driver, Mahendra Paswan.

It is submitted by learned counsel for the petitioner that in fact the truck dashed the car in which the petitioner and others were travelling and in the said background, the present case has been lodged against the petitioner. Though, the petitioner was identified by the informant, but no recovery has been made from the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner was identified by the informant.

Considering the fact that no recovery has been made from the petitioner, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-14,



Chapra, District-Saran in connection with Garkha P.S. Case No.
513 of 2018.

(Dinesh Kumar Singh, J)

Amrendra/-

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