

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79624 of 2018

Arising Out of PS. Case No.-197 Year-2017 Thana- NASRIGANJ District- Rohtas

Ram Awtar Choudhary Son of Bihari Chaudhary Resident of Village - Pidiya,
P.S.- Dhansoi, District – Buxar. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy
For the Opposite Party/s : Dr. Indihar Kumari

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 15-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in Sessions Trial No.429 of 2018, arising out of Nasriganj P.S. Case No. 197 of 2017 registered under Section 392 of the Indian Penal Code.

The informant, who happens to be the driver of the truck and father of the owner of truck, were robbed of Rs.24,200.00 and 365 sacks wheat laden truck was looted by some unknown Scorpio borne criminals.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. The petitioner has committed no offence and has no concern with the aforesaid occurrence. He has been falsely implicated in this case. The petitioner is neither named in the F.I.R. nor he was apprehended on the spot. Aforesaid sack of wheat and truck have been



recovered from another place. Petitioner was in custody in connection with Nokha P.S. Case No.265 of 2017 at the time of occurrence and later on he has been enlarged on bail in the said case. More so, no incriminating article has been recovered from the conscious physical possession of the petitioner. There is nothing in the record indicating the complicity of the petitioner barring the confessional statement of co-accused Shankar Choudhary and that of the petitioner which has no evidentiary value in the eye of law. The petitioner has been languishing in custody since 08.08.2018.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Rohtas at Sasaram in connection with Sessions Trial No.429 of 2018, arising out of Nasriganj P.S. Case No.197 of 2017.

(Prakash Chandra Jaiswal, J)

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