

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6358 of 2020

Arising Out of PS. Case No.-125 Year-2016 Thana- BARAULI District- Gopalganj

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DHRUP SAH @ SETHJI Son of Sohar Sah Resident of Village - Sripur,
Dharampur, P.S. - Sugauli, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Adv
For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

6 23-12-2020 Heard learned counsel for the parties.

Petitioner apprehend his arrest in a case registered for the offence punishable under Sections 328 and 396 of the Indian Penal Code.

Informant who is co-driver of the looted truck with commodities has alleged in his written complaint that he and the driver of the truck Narsiram Bishnoi after loading sanitary wares proceeded to Silchar (Assam) and on 01.06.2016 at about 11:00 pm while they were crossing through Jalalpur border and when reached Gopalganj, one Six wheeled Truck overtook their truck and 6-7 miscreants armed with pistol came down and entered into their truck and started assaulting them and



thereafter put some medicine in their mouth on account of which they become unconscious and when he gained his consciousness he saw the driver lying dead in the field and thereafter he reached the police station where he was treated by a private doctor and on 03.06.2016 lodged the present FIR that his truck with loaded articles and their mobile and rupees 40-45 thousand were looted by the criminals who fled with their truck.

It is submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case at the behest of police. He is not named in the FIR and his name has surfaced in this case on the basis of confessional statement of co-accused Devendra Yadav and Raghav Yadav and except said confessional statement there is no any other incriminating material against him. Nothing has been recovered from his conscious possession and his wife is block Pramukh and Devendra Yadav and Raghav Yadav are his neighbours and due to political rivalry and animosity they have named him. In the post mortem report the cause of death of driver has been opined to be strangulation which does not support version of Informant as well as confessional statement made by Devendra Yadav and Raghav Yadav. Even in the confessional statement no overt act of killing the driver has been attributed against petitioner.



Petitioner has got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail in the event of his arrest or surrender before the court below within a period of four weeks from today upon furnishing bail bonds of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Barauli PS Case No. 125 of 2016**, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(S. Kumar, J)

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