

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.33799 of 2020

Arising Out of PS. Case No.-256 Year-2020 Thana- SITAMARHI District- Sitamarhi

GAUTAM KUMAR, Son of Ram Vinod Singh, Resident of Village - Baduri,
P.S. - Sahiyara, District – Sitamarhi ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. N.K. Agarwal, Sr. Adv. with
Mr. Pushpendra Kumar Singh, Adv.
For the Opposite Party : Mr. A. M.P. Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 25-01-2021 As prayed for, let the learned counsel for the petitioner remove the defect(s), as point out by the office vide it's note, dated 09.12.2020, within four weeks from today.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks bail in connection with Sitamarhi P.S. Case No. 256 of 2020, registered under Sections 394 and 302 of the Indian Penal Code and 27(iii) of the Arms Act.

The accusation is that Prabhash Kumar Hisariya, father of the informant, Anand Hisariya, along with his employee, Vishal Kumar, proceeded for Bank, after opening his shop in the name of M/s Balaji Trading Company to deposit cash of Rs.8,50,000/-. In the way three persons, boarding on scooty started to snatch the cash bag, when Prabhash Kumar Hisariya, father of the informant made protest, then, they shot fire at him, Prabhash Kumar Hisariya fell down and, thereafter, all moved from there with the cash bag.

Submission is that it would appear from the first information report that on the basis of fardbeyan of Anand Kumar



Hisariya, son of the deceased, Sitamarhi P.S. Case No. 256 of 2020 was instituted under Sections 394 and 302 of the Indian Penal Code and 27(iii) of the Arms Act. In course of investigation one Utkarsh Kumar was apprehended, who confessed his guilt disclosing the planning of the occurrence with the help of Rahul, Raushan Kumar and Suraj and also taking the scooty of the petitioner for that planning saying the petitioner to pay some money after occurrence, except that nothing has been collected by the investigating officer against the petitioner. The petitioner has no criminal antecedent and is in custody since 22.05.2020 and on investigation the police has submitted the charge sheet.

Having regard to the facts and circumstances of the case, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Sitamarhi P.S. Case No. 256 of 2020 to the satisfaction of the Chief Judicial Magistrate, Sitamarhi.

(Rajendra Kumar Mishra, J)

Shamshad/-

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