

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16160 of 2023

Arising Out of PS. Case No.-379 Year-2022 Thana- GAYA RAIL P.S. District- Gaya

1. Ashok Kumar S/O Sarda Singh Resident Of -BERKAP, P.S.- Darihat, District- Rohtas, Pin Code- 821306
2. Abhay Kumar Sagar S/O Baghwan Ray Resident Of Berkap, P.S.- Darihat, District- Rohtas, Pin Code- 821306

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhumay Madhup

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have prayed for regular bail in a case instituted for the offence under Section 394 of the Indian Penal Code and later on Sections 395, 397 and 412 of the IPC has been added.

As per prosecution case, the informant runs a Kirana Shop. He went to Akhauri Gola Gaya (Dehri) and on the same day, after completing his work, he was returning to Gaya by a passenger train. When the train arrived at Ismailpur Railway Station, two unknown came



came near the informant and caught hold the hand of informant and another two miscreants started assaulting him. It is further alleged that on the point of pistol, they looted Rs. 1,45,000/- cash, one mobile and other articles from the possession of the informant.

It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case due to business rivalry. They have committed no offence. The petitioners are not named in the FIR. Nothing incriminating or looted article has been recovered from the possession of the petitioner, rather the money which was recovered from the possession of the petitioners was not properly identified. The name of the petitioners has come into light, on the basis of confessional statement of co-accused namely Abhay Kumar, which has got no evidentiary value in the eyes of law. The petitioners are languishing in judicial custody since 25.09.2022.

The application for bail is opposed by learned



APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Gaya in connection with Gaya Rail P.S. Case No. 379 of 2022.

(Sunil Kumar Panwar, J)

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