

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36377 of 2015

Arising Out of PS.Case No. -139 Year- 2015 Thana -HUSAINGANJ District- SIWAN

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1. Kamruddin Nut son of Late Hafij Nut
2. Satarak @ Langer Nut son of Late Sadik Nut
Both are resident of Village- Kutub Chapra, P.S.- Hussainganj, District- Siwan..... Petitioners

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ganjendra Kumar Singh

For the Opposite Party/s : Mr. Ashraf Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 30-11-2015 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners seek bail in connection with Husainganj P.S. Case No. 139 of 2015 registered for the offences punishable under Sections 459 and 394 of the Indian Penal Code.

Allegedly, four unknown miscreants after entering into the house of the informant took away ornaments valuing Rs. 2,50,000/- after assaulting the informant. In the morning it transpired that the miscreants have tried to commit robbery in the BBC Mission Public School also after tying the hands of Sanjay Kumar Yadav the Night Guard.

Submission is of false implication and that petitioners are not named in the FIR, nothing incriminating article has been recovered from their possession, they have not been put on test identification parade and only on suspicion they are suffering in

custody since 18.06.2015. During investigation some of the witnesses have said to hear the names while they were talking but after the occurrence those witnesses have not stated to the informant resulting the petitioners are not named in the FIR, chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned APP fairly submits that there is no recovery and no TIP.

In the facts and circumstances stated above, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Hussainganj P.S. Case No. 139 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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