

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40024 of 2015

Arising out of PS.Case No. -32 Year- 2015 Thana -AWADPUR District- KATIHAR

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Shiba @ Sidharth @ Siva Aul Shiddarth, S/o Shankar Aual, R/o village - Jayatpur, P.S. Hurel, District - Bhubneshwar, State – Orissa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bidhan Chandra Jha, Advocate.

For the Opposite Party : Mr. A.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 13-10-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is languishing in custody since 29.05.2015 in connection with Abadpur P.S. Case No. 32 of 2015, corresponding to G.R. Case No. 1398/2015 for the offences instituted under Section 379 of the IPC.

The prosecution story, in brief, is that on 29.05.2015 at about 12 Noon, the informant went to deposit Rs. 70,000/- in the Allahabad Bank, Gwaltoli Branch. The informant feels that his *Jhola*(Bag) was being cut by someone, when he checked he found the petitioner has cut his bag and taken away Rs. 50,000/- from the same. On hulla, the police and public caught the petitioner but the other was succeeded to flee away from the place.

It has been submitted on behalf of the petitioner that the

petitioner has got no criminal antecedent. The petitioner is in custody since 29.05.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. As per prosecution case, the petitioner is said to have committed a theft of Rs. 50,000/- from the bag of the informant. The petitioner was apprehended on the spot but there was no recovery of any incriminating article from possession of the petitioner. The petitioner has falsely been implicated in the present case. It is further submitted that the petitioner may be released after completion of six months in custody from 29.05.2015.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner above named may be released on bail after completion of six months in custody from 29.05.2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Katihar, in connection with Abadpur P.S. Case No. 32 of 2015.

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(Sudhir Singh, J)