

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48362 of 2015

Arising Out of PS.Case No. -151 Year- 2015 Thana -GAURICHAK District- PATNA

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1. Mithun Kumar Son of Parmod Singh, Resident of Village - Sadisopur,
Birahipur, P.S. - Bihta, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar

For the Opposite Party/s : Mr. Bharat Lal(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 02-12-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Gaurichak P.S. Case No. 151 of 2015 registered for the offences
punishable under Sections 379, 414/34 of the Indian Penal Code.

Allegedly, informant is the driver of a tempo bearing
Regd. No. BR01PP-4761 and in the night of 06.10.2015 at 12:30
mid night two persons started speeding away with the said tempo
and then alarm was raised and further information was given to
Police Station and during night patrolling tempo bearing Regd.
No. BR01PD-1753 with petitioner and co-accused
Deepak Tiwary were apprehended and in that tempo spare parts of
stolen tempo were loaded and further on their statement the tempo
was also recovered.

Submission is of false implication and that the petitioner has got no criminal antecedent, he has been made victim of circumstances, nothing has been recovered from his conscious possession. The petitioner is not the tempo driver and he is a labourer, the seizure list witnesses are the informant and his friend and as such the petitioner deserves sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail after completing six months in custody from the date of his remand on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City in connection with Gaurichak P.S. Case No. 151 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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