

Arising from the above, the following are the findings of the investigation:

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1. Pawan Kumar Poddar @ Pawan Kumar Son of Chhatthu Poddar @ Chhotey Lal Podar, Resident of Villlage- Karauti, Police Station- Kishunganj, District-Madhepura.

Versus

- Opposite Party/s

For the Petitioner/s : Mr. Manoj Kumar
For the Opposite Party/s : Mr. Suresh Prasad Singh (App)

2 06-07-2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

Case No. 4 of 2004 registered under section 394/34 of the Indian Penal Code.

Prosecution case, in brief, is that the complainant Muneshwar Sah sold wheat and maize to the petitioner but he did not pay amount. On 15.06.2003 the complainant along with Sanjay Poddar went Dalkala where the Sanjay Poddar gave amount Rs. 29,900/-. In the night the complainant slept with Sanjay Poddar and his Bhagina in Gaddi.



In the morning Sanjay Poddar and his Bhagina went from there leaving the complainant. Complainant after taking amount from a broker came at Purnea Jn. Station and caught a train. Train proceeded but in the way train stopped due to vacuum. In the meantime one boy snatched his bag and fled away by assaulting in his head by heavy substance. Complainant identified him as Bhagina of Sanjay Poddar. The complainant searched the Sanjay Poddar and his Bhagaina at Banmankhi Railway Station but they did not meet then the complainant informed the G.R.Police at Purnea station. Complainant claimed that petitioner Sanjay Poddar and his Bhagaina snatched Rs. 29,900/- from him.

On behalf of the petitioner it is submitted that the petitioner has got no criminal antecedent. Further it has been submitted that in course of investigation the police has submitted the charge sheet where the petitioner has not been sent up for trial but the learned court below differing with the said police report and has taken cognizance under section 394 of the Indian Penal Code.

On behalf of the State it has been submitted that the petitioner is named in the first information report.

Considering the fact that during the course of investigation the case has been found false against the petitioner, the above named petitioner in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs.

10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Railway Judicial Magistrate, Katihar in C.A. Case No. 4 of 2004 subject to the conditions as laid down under section 438(2) Cr.P.C.

(Sudhir Singh, J)

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