

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30740 of 2014

Arising Out of PS.Case No. -220 Year- 2013 Thana -NARHAT District- NAWADA

- =====
1. Irfan Khan Son of Nezam Khan R/o Village Nima, P.S. Gurua, District Gaya
 2. Saddam Khan son of Sharafat Khan R/o Village Baniya Brown, P.s. Sherghati, District Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Prakash Singh

For the Opposite Party/s : Mr. H.A.Khan(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

5 07-04-2015 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Narhat (Sitamarhi) Police Station Case No. 220 of 2013 registered for the offences punishable under Sections 420, 406, 379 of the Indian Penal Code.

Petitioner no. 1 lodged Narhat (Sitamarhi) 74 of 2013 for the offence under section 395 of the Indian Penal Code against some unknown persons in respect of looted truck bearing no. N.L.O.21/0461 but after investigation, the aforesaid case was found untrue and it came to light that petitioners having entered into conspiracy sold the truck and lodged the above stated false

case.

The contention on behalf of the petitioners is that the above stated case was found untrue only on the basis of tower location of the mobile phone of the petitioners. In the present case no report of tower location has been brought and as a matter of fact, the I.O did not investigate the above stated case properly and implicated the petitioners in the present case and moreover, the truck in question was recovered in abandoned condition.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Nawada in Narhat (Sitamarhi) Police Station Case No. 220 of 2013 , subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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