

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28240 of 2015

Arising out of PS.Case No. -81 Year- 2015 Thana -BHAWANIPUR District- PURNIA

Vijay Kumar, Son of Late Bindeshwari Mandal, resident of Village - Bhawanipur, Police Station - Gordhiyari Tola, Police Station - Bhawanipur in the district of Purnea.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Raj Kumar, Advocate.

For the Opposite Party : Mr. M.K.Nirala(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-09-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is apprehending his arrest in connection with Bhawanipur Balia P.S. Case No. 81 of 2015 for the offences instituted under Sections 458, 380 and 414/34 of the IPC.

The prosecution story, in brief, is that on 06.05.2015 at about 2.30 hours in the night while the informant and his mother were sleeping in their house and others were sleeping outside their house, all of a sudden, her mother started calling to the informant then the informant woke-up. The informant and mother of the informant saw one person fleeing away towards the east and other persons started fleeing away towards the west. On chase with the



help of villagers, one of the thieves was caught and on being searched a digger was recovered from his possession. On being asked, he disclosed his name as Mithun Kumar and he also disclosed the name of his associate Bijay Kumar. It is also stated that the informant in presence of villagers searched his house and found missing brief-case, clothes, ornaments and cash of Rs. 1500/-. It is also stated that on being asked from the apprehended thief, the apprehended thief disclosed that the thieves brought the briefcase in the cow shade and ousted the clothes, ornaments and cash from the briefcase. The informant informed to the Police and the police came and recovered one digger about 10 Inches.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that the name of the petitioner has come on the basis of confession of co-accused. The petitioner has falsely been implicated in the present case. No incriminating article is said to have been recovered from possession of the petitioner.

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, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period

of four weeks from today in connection with Bhawanipur (Balua)
P.S. Case No. 81/2015 (G.R. No. 1846/2015) on furnishing bail
bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like
amount each to the satisfaction of the learned A.C.J.M., Patna,
subject to the conditions as laid down under Section 438(2) of the
Code of Criminal Procedure.

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(Sudhir Singh, J)