

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 40247 of 2014

Arising Out of PS.Case No. -104 Year- 2014 Thana -KOILWAR District- BHOJPUR

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Jai Prakash Singh @ J.P. S/o Late Ram Sawarup Singh, resident of Village-
Deoria, P.S. Koilwar, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 16-04-2015

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in Koilwar
P.S. Case No. 104 of 2014 dated 04.07.2014 instituted under
Sections 457/380 of the Indian Penal Code.

Learned counsel for the petitioner submits that
from the plain reading of the F.I.R. itself, it would appear that
the allegation is false and concocted as the petitioner being of
the same village and known to the informant could not have
gone to his house to steal anything and that too with his face
uncovered. It is further submitted that as per the allegation
itself, there is no explanation as to how the informant
recognized the petitioner at 10:00 0' clock at night in the
village as there is no mentioning that there was any light
either of torch or lantern. Learned counsel further submits
that earlier also the petitioner had lodged criminal case
against the informant for physical assault due to land dispute
between the parties. Learned counsel submits that even the

allegation of certain jewellerys and money having been taken away by the petitioner is only a cosmetic addition to make the case more serious under graver Sections of the Indian Penal Code. Learned counsel further submits that the petitioner has no criminal antecedent.

Learned A.P.P. does not dispute the fact that the petitioner is a co-villager and as per the allegation, the incident took place at 10:00 O' clock at night without there being any source of light.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in Koilwar P.S. Case No.104 of 2014, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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