

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42162 of 2015

Arising Out of PS.Case No. -10 Year- 2015 Thana -DARAUNDA District- SIWAN

=====

1. Chottu Giri @ Chhotu Kumar Giri Son of Shiv Giri Resident of village -
Satjora Mathia,P.S. Daraunda, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni

For the Opposite Party/s : Mr. Shailendra Kumar-Ii(App)

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 14-10-2015

Heard the learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner, namely, Chottu Giri @ Chhotu Kumar
Giri apprehends his arrest in Daraunda P.S. Case No.10 of 2015
under Sections 457 and 380 of the Indian Penal Code.

The allegation is that in absence of the informant, the
villagers broke the lock of the informant's house and stolen away
utensils and other materials cost of which was upto Rs.3.5 lacs.
The petitioner has got main role. The informant doubted that the
materials might be recovered from the house of the petitioner.

The learned counsel for the petitioner submitted that
only on suspicion, the petitioner has been named in the F.I.R. and
nothing has been recovered from the possession of the petitioner
as would be evident from the ordersheet passed by the Sessions

Judge dated 27.07.2015 whereby the anticipatory bail of the petitioner has been rejected.

The learned A.P.P. objected the prayer.

It appears that the F.I.R. has been lodged in January, 2015. The order of the learned Sessions Judge is dated 27.07.2015 but it is recorded in the order that till then only hearsay witnesses have been examined. Nothing has been stated in the case diary regarding any recovery either from the physical possession or from the house of the petitioner. The prayer of bail has already been rejected only on the ground that the witnesses have stated that this petitioner is of bad character.

Considering the above facts and circumstances of the case, I direct the petitioner named above to surrender before the court below within six weeks from today and on his so surrendering, the court below is directed to release the petitioner on bail on furnishing bail bond of Rs.10,000/-(Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Daraunda P.S. Case No.10 of 2015 subject to the condition as laid down under Section 438(2) Cr.P.C..

(Mungeshwar Sahoo, J)

Saurabh/-

U		T	
---	--	---	--