

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28578 of 2015

Arising Out of PS.Case No. -74 Year- 2015 Thana -RAMPUR District- GAYA

1. Babu Mishra son of Markandey Mishra resident of Village - Agraraura,
P.S. - Mohanpur, District - West Medinapur (West Bengal)... Petitioner

Versus

1. The State of Bihar. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raj Kishore Srivastava

For the Opposite Party/s : Mr. M.Dayal (App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 27-10-2015

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Rampur
P.S. Case No. 74 of 2015 registered for the offence punishable
under Section 381 of the Indian Penal Code.

Allegedly, the petitioner being the cook of the
informant, taking advantage of the absence of the informant
committed theft of Rs. 5,57,313/- from the locker of the informant
and fled away after handing over the key of the house to the
neighbour.

Submission is of false implication, the petitioner was
not having the key of locker, nothing has been recovered from the
house of the petitioner nor any incriminating article has been
recovered which is evident from paragraph 41 of the case diary

and only on suspicion the petitioner is suffering in custody since 23.04.2015. It has come during investigation that the petitioner was saying from earlier that he will go to his house. Chargesheet has already been submitted and there is no chance of tampering with prosecution evidence and, as such, the petitioner deserves sympathetic consideration to which the learned APP fairly submits that nothing has been recovered either from his possession or from his house.

In the facts and circumstances stated above, the petitioner named above is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Gaya in connection with Rampur P.S. Case No. 74 of 2015, subject to the conditions that one of the bailors must be a near relative and another local having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

avin/-

U			
---	--	--	--