

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39745 of 2015

Arising Out of PS.Case No. -127 Year- 2015 Thana -KHAZANIHAT District- PURNIA

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Shashidhar Bharti @ Laffu Yadav, son of Sri Nitya Nand Yadav, Resident
of Purnia Court Station. S.K. Hat, District Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr. Sunil Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Smt. Suman Kumari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 13-10-2015

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under Sections 147, 149, 447, 341, 342, 380, 364, 504 and 506 of the Indian Penal Code.

Allegation against the petitioner is that he along with other accused persons entered into the house of the informant in presence of his nephew by demolishing wall and took away Rs. 2 lacs from Almirah. When police came, they fled away along with his nephew.

It has been submitted on behalf of the petitioner that he has got no criminal antecedent. He is in custody since 11.7.2015. Chargesheet has been submitted in the present case. There is no allegation of tampering of evidence against the petitioner. Petitioner had purchased a property in the year 2012 in which the informant is the tenant. There was an Eviction Suit between the petitioner and the informant. Ultimately, a decree was passed in favour of the petitioner on 2.12.2014. Subsequently, the present

prosecution was brought against the petitioner on 18.2.2015 by filing the present case against them. The investigating officer, who has examined the place of occurrence in para-8 categorically, stated that the victim boy, who is said to be traceless, was not residing in the house of the informant. From perusal of paras-8, 9, 17, 25, 32, 62, 76 and 77 of the case diary it would appear that the witnesses have not supported the prosecution case.

On behalf of the State and informant, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with K. Hat P.S. Case no. 127 of 2015.

(Sudhir Singh, J)

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