

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29647 of 2014

Arising Out of PS.Case No. -80 Year- 2013 Thana -LODIPUR District- BHAGALPUR

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1. Bihari Mandal Son of Luchho Mandal Jagannathpur, P.S. - Lodipur,
District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Durgesh Nandan(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 13-01-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends his arrest in connection
with Lodipur P.S. Case No. 80 of 2013 registered for the offences
punishable under Sections 380 and 457 of the Indian Penal Code.

Allegedly, the petitioner and co-accused
committed theft in the house of the informant and were identified
by the informant and other family members in the light of electric
bulb when after committing theft they were escaping.

Submission is of false implication and further
that the husband of the informant has taken loan of Rs. 30,000/-
from the petitioner with assurance to return the same within six
months and when the money was demanded, he started avoiding

the same and lodged this false case. The petitioner is the co-villager and no person will dare to commit such occurrence even without concealing his face and further FIR has been lodged after four days of the alleged occurrence.

Learned APP fairly concedes that the FIR has been lodged after four days of the alleged occurrence.

Considering the fact that the FIR has been lodged after much delay, the petitioner above named, in case of his surrender or arrest within two months from the date of receipt/production of a copy of this order, shall 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 Chief Judicial Magistrate, Bhagalpur in connection with Lodipur P.S. Case No. 80 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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