

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54991 of 2015

Arising Out of PS.Case No. -36 Year- 2015 Thana -CHAUTHAM District- KHAGARIA

Santosh Kumar son of Tuntun Mandal resident of Village - Nijal, Police Station - Biropur, District - Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 10-12-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner is in jail custody since 31.03.2015 in a case registered for the offences punishable under Sections 395 and 412 of the Indian Penal Code.

The petitioner is not named but the impugned order shows that some looted articles were recovered from his possession to which learned counsel for the petitioner vehemently controverted submitting that except one firearm in connection with another case nothing had been recovered from the possession of the petitioner and taking into the aforesaid fact co-accused Bajrangi Kumar had already been granted privilege of bail by a co-ordinate Bench of this Court by order dated 24.11.2015 passed

in Cr. Misc. No. 46896 of 2015.

In the aforesaid circumstance, the learned trial Court/concerned Court is directed to verify the aforesaid fact and if it is found that no stolen article of the present case has been recovered from the conscious possession of the petitioner, in that event the learned Court below shall release the petitioner on bail fixing the amount of bail bonds on its own level without any delay.

It is made clear that the aforesaid verification must be done by the court below within three days from the date of receipt/production of a copy of this order. It is also made clear that if the stolen articles of the present case are found to be recovered from the possession of the petitioner, then the petitioner shall not be released on bail.

The application stands disposed of, accordingly.

(Hemant Kumar Srivastava, J)

Prakash/-

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