

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18507 of 2015

Arising Out of PS.Case No. -100 Year- 2014 Thana -THAKURGANJ District- KISANGANJ

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1. Dhoula Mian @ Dhola Mian Son of Majid Mian resident of Masjid Tola,
Galgaliya Police Station- Galgaliya in the District of Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s Mr. Kr.Virendra Narayan(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 02.07.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Thakurganj (Galgaliya) P. S. case no. 100/2014 registered under
sections 454, 380 and 411 of the Indian Penal Code.

No doubt, petitioner is named in the first information report
but according to the prosecution case itself, informant came to know
about name of the petitioner in connection with present crime after
two days of alleged occurrence and thereafter, she lodged the present
case.

Learned counsel for the petitioner submits that stolen article
was recovered from the possession of another person and, as a matter
of fact, nothing has been recovered from conscious possession of the
petitioner. It is also pointed out by him that when the informant came
to know about real fact, she filed compromise petition before court

below.

Learned Sessions Judge, Kishanganj has mentioned in his impugned order that there was sufficient material available on the case diary against the petitioner but he failed to mention the aforesaid material in the impugned order and it appears that he passed the impugned order in a very causal manner even without perusing the case diary.

Moreover, petitioner does not have any criminal antecedent.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Sri A. Suman, Judicial Magistrate, Ist Class, Kishanganj/concerned court in Thakurganj (Galgaliya) P. S. case no. 100/2014 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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