

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38730 of 2015

Arising out of PS.Case No. -459 Year- 2015 Thana -AHIAPUR District- MUZAFFARPUR

Suresh Paswan, Son of Ram Tirath Paswan, resident of Village- Barauni
Dbobi Tola, P.S. Barauni, District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Anshu Dhar Sharma, Advocate.

For the Opposite Party : Mr. Shyam Kumar Singh (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 31.05.2015
in connection with Ahiyapur P.S. Case No. 459 of 2015 for the
offences instituted under Sections 461, 379 and 411 of the IPC.

The prosecution story, in brief, is that on 30.05.2015 at
12.10 P.M., the informant had gone to S.B.I., Bazar Samiti
Branch, to deposit cash of Rs. 70,000/- but he could not deposit
the cash in Bank with the result he kept the cash bag in dicky of
his Motorcycle and returned back to his shop and he stopped his
Motorcycle in front of his shop and entered into the shop. After
few minutes, he heard some noise and came out from his shop
then he got knowledge that the petitioner was apprehended by the



local people while he was escaping after committing theft of cash Rs. 70,000/- from the dickey of Motorcycle. Information was given to the police then the police arrived at the place of occurrence. The informant with the help of people handed over the petitioner and cash of Rs. 70,000/- to the police then the police prepared 'seizure-cum-production list' and returned back cash Rs. 70,000/- to the informant on *Zimmanama* and thereafter the petitioner was remanded in custody.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 31.05.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. As per prosecution, the alleged theft amount has been recovered from possession of the petitioner and has been handed over to the informant. It is further submitted that the petitioner may be released after completion of nine months in custody from 31.05.2015..

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner may be released after completion of nine months in custody from 31.05.2015, let the petitioner above

named, be released on bail on furnishing bail bond of Rs. 10,000/-
(Ten Thousand) with two sureties of the like amount each to the
satisfaction of the learned C.J.M., Muzaffarpur in connection with
Ahiyapur P.S. Case No. 459/2015.

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(Sudhir Singh, J)