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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49634 of 2014

Arising Out of PS.Case No. -34 Year- 2013 Thana -SANHOLA District- BHAGALPUR

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Binod Kumar Tanti @ Binod Tanti Son of Late Prasadi Mandal, Resident of Village - Mahadevapur, P.S. - Sanhaula, District - Bhagalpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Dhirendra Nath Jha, Adv.
For the Opposite Party/s : Mr. Ashraf Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-04-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner, apprehending his arrest in connection with Sanhaula P.S. Case No. 34 of 2013 registered for the offences punishable under Sections 457 and 380 of the Indian Penal Code.

The prosecution case in brief is that in the night of the date of occurrence, theft was committed in the house of the informant and the other neighbours for which the present case was instituted claiming others and co-accused Ram Bilash Mandal as an accused involved in the alleged commission of theft. It is further alleged that in several houses of the village including the house of the informant, the theft was committed prior to the occurrence taking place. It is said that the petitioner and the other co-accused were seen in the village in suspicious circumstances.

That on behalf of the petitioner, it has been submitted that the petitioner has been falsely implicated in the present case due to village politics. The petitioner is not a stranger to the informant and he is a co-villager. Except for the suspicion, nothing

has been raised against him. There is no recovery of any incriminating article from the possession of the petitioner nor there is any eye witness to the occurrence when the theft was being committed.

That on behalf of the State, it has been submitted that the petitioner is named in the First Information Report and there is a direct allegation against him.

Considering the aforesaid facts and the circumstances of the case, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender in the court below within four weeks on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sri Mukesh Kumar, Judicial Magistrate 1st Class, Bhagalpur in connection with Sanhaula P.S. Case No. 34 of 2013, subject to the conditions, as laid down under Section 438(2) Cr.P.C.

(Sudhir Singh, J.)

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