

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20556 of 2015

Arising Out of PS.Case No. -203 Year- 2013 Thana -GUTHNI District- SIWAN

1. Binod Nath Tiwary @ Labada Tiwary Son of Ram Bilash Nath Tiwary,
Resident of Village - Kodwalia, P.S. - Guthani, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.22958 of 2015

Arising Out of PS.Case No. -203 Year- 2013 Thana -GUTHNI District- SIWAN

1. Gyas Sarwar @ Bullet, S/o Late Nazir Ahamad, Resident of Village-
Guthani, P.S.- Guthani, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar. null null

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.20556 of 2015)

For the Petitioner/s : Mr. Mithilesh Kumar Rai

For the Opposite Party/s : Mr. Binod Kumar (App)

(In Cr.Misc. No.22958 of 2015)

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. R.N. Jha (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-06-2015 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

Since both these applications arise out of one and
the same P.S. case, they have been heard together and are being
disposed of by this common order.

The petitioners apprehend arrest in a case under

sections 461 and 379 of the Indian Penal Code.

As per the prosecution case, the allegation against the petitioners and others are of committing theft of nearly rupees fifty five lacs from Guthni Branch of Canara Bank by entering into the building of Branch in night and opening the strong room by using gas cutter.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. The petitioners are not named in the F.I.R. and subsequently, in course of investigation, their names have transpired merely on the basis of confessional statement of the co-accused made before the police which has got no evidentiary value. No incriminating article has been recovered from possession of the petitioners. It is submitted on behalf of the petitioners that the petitioners are ready to deposit an amount of Rs.20,000/- (Rupees twenty thousand) each in the court below which will be subject to final disposal of the case.

On behalf of the State, it has been submitted that the petitioners are not named in the F.I.R. and their names have appeared in course of investigation.

Considering the facts aforesaid, the petitioners are directed to deposit Rs.20000/- (Twenty thousand) each in the court below which will be subject to final disposal of the case and

on their doing so, in the event of arrest or surrender of the petitioners, above named, within four weeks from the date of receipt/production of a copy of this order, the court below shall enlarge them on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Guthani P.S. Case No. 203 of 2013, subject to all the conditions laid down under section 438(2) of the Code of Criminal Procedure, 1973.

(Sudhir Singh, J)

Amin/-

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