

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41605 of 2015

Arising Out of PS.Case No. -623 Year- 2010 Thana -LAKHISARAI District- LAKHISARAI

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1. Banti Ram son of Anoop Ram resident of Village-Gosai Tola Naya Bazar, P.S. Lakhisarai, District Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. T.P.Mandal(App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL ORDER

2 08-10-2015

Heard the learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner, namely, Banti Ram who apprehends his arrest in Lakhisarai(Kabaiya) P.S. Case No.623 of 2010 under Sections 461/379 of the Indian Penal Code.

It appears that the F.I.R. was lodged by the informant against unknown persons alleging that in the night, theft was committed in his ornament shop and also committed theft of Rs.40,000/-.

The learned counsel for the petitioner submitted that the petitioner is not named and nothing has been recovered from his possession and further that the only evidence against the petitioner is that the co-accused were arrested by the police who confessed before the police naming the present petitioner. According to the

learned counsel, since the F.I.R. is not against the petitioner and nothing was recovered from the petitioner, the petitioner had no knowledge about this case. When the petitioner heard that the police was trying to arrest in this case, then he filed anticipatory bail before the Sessions Judge but it has been rejected on the ground that there is delay of five years.

Perused the order passed by the Sessions Judge. According to the order, only evidence is at paragraph 32 of the case diary wherein one of the witnesses has stated that the petitioner is a member of the thieves but nothing has been recovered from the possession of the petitioner.

Considering the above facts, I direct the petitioner named above to surrender before the court below within six weeks from today and on his so surrendering, the court below is directed to release the petitioner on bail on furnishing bail bond of Rs.10,000/-(Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Lakhisarai in connection with G.R. No. 1492/10 arising out of Lakhisarai(Kabaiya) P.S. Case No.623 of 2010 on condition that one of the bailors should be the close relation of the petitioner.

(Mungeshwar Sahoo, J)

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