

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5875 of 2016

Arising Out of PS.Case No. -448 Year- 2014 Thana -BHABHUA District- BHABHUA (KAIMUR)

Shiv Muni Yadav Son of Late Datta Yadav, Resident of Both Village-
Bahoranpur Dadra (Tadhi), P.S.- Bhagwanpur, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh

For the Opposite Party/s : Mr. Rita Verma(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 19-02-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Bhabua P.S. Case No. 448 of 2014 registered for the offence punishable under Section 379 of the Indian Penal Code.

Allegedly, Kirloskar diesel pump set of the informant was stolen away by un-known thief on 07.10.2014 in the night. During investigation the said diesel pump set was recovered from the house of the petitioner.

Submission is of false implication and that the informant after bringing the police in collusion got implicated the petitioner in false case, First Information Report was sent in the Court on 11.10.2014 and on that date it was seen by the C.J.M. in-charge, the seizure-list was sent in the Court on 17.10.2014 though it is of dated 09.10.2014 and it speaks the volum, earlier also the

informant has lodged Bhagwanpur P.S. Case No. 37 of 2002 against the petitioner and his family members wherein, the petitioner and others have been acquitted by judgment dated 03.09.2015 and then the informant again implicated the petitioner in this false case, resulting he is suffering in custody since 04.01.2016.

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, the petitioner, above named, shall be released on bail after **completion of four months in custody** from the date of his remand in this case on execution of 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., Kaimur at Bhabua in connection with Bhabua P.S. Case No. 448 of 2014 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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