

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15161 of 2016

Arising Out of PS.Case No. -252 Year- 2015 Thana -KHAIRA District- JAMUI

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1. Dhen Hembrum son of Basata Hembrum
 2. Jetho Soren son of Akala Soren
 3. Bimal Murmu @ Bimal Murmu son of Jhari Murmu All are residents of village - Rajala, P.S. - Khaira, District - Jamui.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Aditya Nr.Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 19-05-2016 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Khaira P.S. Case No.252 of 2015 registered for the offence punishable under Section 395 of the Indian Penal Code and Section 25 of Antiquities and Art Treasures Act,

The petitioners are not named in the first information report. During investigation their names transpire that they being the guards of the Jain Temple were in connivance of other co-accused.

Submission is of false implication and that there is no legal and tangible material against the petitioners, the



petitioners were engaged as guards three years ago and during that period no finger was raised against them, due information was given by petitioner no.1. During investigation statue of Lord Mahavir which is subject matter of theft has already been recovered from the side of the road and without fault the petitioners are suffering in custody since 8.12.2015. In this case other co-accused has confessed the guilt but in the confessional statement the petitioners are not named and further Indrajeet Kumar @ Pintu @ Pintu Kumar Sinha whose name has come in the confessional statement of co-accused Guddu Kumar, has already been granted bail vide Cr.Misc. No.15333 of 2016 by another coordinate Bench of this Court and petitioners also deserve sympathetic consideration for bail.

Learned A.P.P. fairly submits that save and except suspicion there is nothing against the petitioners.

In the facts and circumstances stated above, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs.10,000/-each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui, in connection with Khaira P.S. Case No.252 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property

within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

AnilKrSinha/-

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