

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51824 of 2015

Arising Out of PS.Case No. -228 Year- 2015 Thana -LAHERIMUHALLA District- NALANDA
(BIHARSHARIFF)

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1. Kamlesh Chaudhary Son of Ganauri Chaudhary Resident of Village-Silao, police Station -Silao, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 11-02-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 457 and 380 of the I.P.C

Some unknown thieves after entering into the house of the informant took away ornaments, cash of Rs. 10,000/- and mobile and further took away two mobiles of renter Samita Khatoon, two to three thousand cash and ornaments kept in her box. During investigation one mobile phone was recovered from the house of the petitioner which was being used by his wife.

Submission is of false implication and that only on suspicion the petitioner has been implicated, no stolen article has been recovered from possession of the petitioner, he has never

confessed his guilt before the police but the police recorded the same forcefully, the petitioner has got no concern with other co-accused and as such he deserves sympathetic consideration as he is suffering in custody since 14.09.2015 having no criminal antecedent.

The learned A.P.P. opposes prayer for bail by submitting that the stolen mobile was recovered from the house of the petitioner and the petitioner has confessed his guilt also.

In the facts and circumstances as stated above, considering detention of the petitioner now he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Nalanda in Laheri P.S. Case No. 228 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 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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