

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17927 of 2016

Arising Out of PS.Case No. -33 Year- 2016 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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Mithlesh Kumar son of Deenanath Rai, resident of Village - Dipahi, P.S. -
Chiraiya, District - East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Suresh Pd. Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-05-2016

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends arrest in connection with
Ghorasahan P.S. case No.33 of 2016 (G.R. case No.83 of 2016)
for offences alleged under Sections 457 and 380 of the Indian
Penal Code.

The prosecution case, as lodged by the Informant, is that
on 4.2.2016 at about 11 P.M. the petitioner along with co-accused
had committed theft in the house of the informant after breaking
window but one Ram Sagar Baitha was caught in the house and
the petitioner succeeded in fleeing away. The apprehended
accused had been handed over to the police.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated due
to previous litigation wherein he was one of the witnesses against

the informant side. It has further been submitted that no case under Section 380 of the I.P.C. has been found true against him in the supervision note of the police. He further submits that the other co-accused Ram Sagar Baitha has been granted the privilege of bail by the learned court below. He further submits that the petitioner has no criminal antecedent and just because he is son of a retired chaukidar that his name has been falsely dragged and no overt act has been committed by him.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence opposes the prayer for bail.

Be that as it may, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, 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 the learned Sub Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Ghorasahan P.S. case No.33 of 2016 (G.R. case No.83 of 2016), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

Narendra/-

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