

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26437 of 2016

Arising Out of PS.Case No. -240 Year- 2015 Thana -NATHNAGAR District- BHAGALPUR

Moon Khan @ Dahua @ Dakua, Son of Md. Mustak Khan, resident of Mohalla- Bhikhanpur, Gumti No.3, Ishak Chak, P.S. IshakChak, District Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Shiwesh Chandra Mishra, Advocate.

For the Opposite Party : Mr. Anuj Kumar Srivastava

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 05-09-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 21.03.2016 in connection with Nath Nagar (Lalmatia) P.S. Case No. 240 of 2015 for the offences instituted under Sections 461/379 of the IPC. Later on, Section 411 of the IPC was also added.

The prosecution story, in brief, is that on the alleged date of occurrence, some unknown thieves committed theft of Idols of Ram, Laxman, Janki, Laddu Gopal, utensils of different metals and DVD of Samsung Company kept in the Temple.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.03.2016 and the charge sheet has

been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He is not named in the F.I.R. His name has come on the basis of a confessional statement of co-accused. He has not been put on T. I. Parade. There is no recovery of any theft property from possession of the petitioner. The other co-accused have been granted bail by another co-ordinate Bench of this Court vide Annexures-2 and 3 to the present application.

On behalf of the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 A.C.J.M., Bhagalpur, in connection with Nath Nagar (Lalmatia) P.S. Case No. 240 of 2015.

U.K./-

(Sudhir Singh, J)

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