

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2966 of 2016

Arising Out of PS.Case No. -267 Year- 2015 Thana -CHAPRA TOWN District- SARAN

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1. Dharmendra Kumar S/o- Chandeshwar Rai
2. Bishnu Kumar, S/o Rajendra Rai Both resident of village- Samsuddinpur,
P.S.- Revelganj, Dist.- Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. H.A.Khan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 19-01-2016

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 379 of the Indian Penal Code and 25(1-B)a, 26, 35 of the Arms Act.

The prosecution case is that the informant being driver of the tractor parked his tractor for repairing at garage of Ajay Singh and slept in the cabin of the tractor with Rs. 35,000/-. While he was sleeping four persons were standing around the tractor. In the morning, he found that Rs. 35,000/- was missing from his pocket. When four persons were escaping from the scene, two were apprehended, who disclosed their names as Dilip Choudhary and Satyendra Kumar. They also disclosed the name of the petitioners as their associates.

It is submitted by the learned counsel for the petitioners that simply on the confession of co-accused petitioners have been roped in the present case. Admittedly, there is no recovery from the possession of the petitioners. Statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Town P.S. Case No. 267 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The bail bond of the petitioners shall be accepted by the learned court below on filing affidavit to the effect that they will cooperate during investigation. The said affidavit will be transmitted to the concerned I.O. The non-cooperation in the investigation will give liberty to the learned court below to cancel the bail bond of the petitioners.

(Dinesh Kumar Singh, J)

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