

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50527 of 2015

Arising Out of PS.Case No. -989 Year- 2013 Thana -SITAMARHI District- SITAMARHI

Chhote Dubey @ Chhotu Dubey @ Nand Kishore Dubey

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. Ram Chandra Singh (App)

**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

3 30-01-2016 Heard the learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner, Chhote Dubey @ Chhotu Dubey @ Nand Kishore Dubey, who is in custody since 30.07.2015 in Sitamarhi P.S. Case No.989 of 2013 instituted for the offence under Section 395 of the Indian Penal Code.

According to the prosecution case, the informant lodged FIR that in the night of the date of occurrence, 15-20 unknown persons entered his house to commit dacoity but when he fired with his gun, all the dacoites fled away.

The learned counsel for the petitioner submitted that according to the FIR itself, no dacoity was committed.

In view of the allegation made in the FIR, it is only attempt to commit dacoity and moreover the FIR is against unknown and

only on suspicion, this petitioner has been remanded in the present case as this petitioner was in custody in another case on same nature.

On the other, the learned A.P.P. objected the prayer for bail.

Considering the nature of allegation and the fact that in fact no dacoity was committed and this petitioner is remanded in this case from the other case, I direct that the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No.989 of 2013.

(Mungeshwar Sahoo, J)

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