

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38171 of 2016

Arising Out of PS.Case No. -217 Year- 2016 Thana -SUPAUL District- SUPAUL

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1. Vivek Mishra son of Shri Ashok Mishra resident of Ward No.8, P.S.- Kasmar, District- Bokaro (Jharkhand)
 2. Suraj Pandey son of Shri Shambhu Nath Pandey resident of Ward No.8, P.S.- Kasmar, District- Bokaro (Jharkhand)
 3. Chtraketu Tiwary son of Shri Sadanand Tiwary resident of Ward No.5, Sudamdih, Rinnar, P.S.- Sudamdih, District- Dhanbad (Jharkhand)
 4. Vishal Kumar son of Shri Raj Kumar Turi resident of Village- Mahesh Lundi, Ward No.4, P.S.- Bajila, District- Giridih (Jharkhand).

.... Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Amrit Abhijat, Advocate

For the Opposite Party : Mr. Sri Jagdhar Prasad (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 29-09-2016

Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners seek bail in connection with Supaul
P.S Case No. 217 of 2016 registered for the offences punishable
under Sections 457/380 of the Indian Penal Code.

Allegedly, the petitioner no.3 being authorized to sale
LED government bulb at Supaul with the aid and assistance of
three associates petitioners and on 13.04.2016 the sale proceed of
Rs. 2,35,000/- was not deposited in bank and kept the money in a
bag in the office and on the next day, found that money kept for
deposit in bank has been stolen away and vacant bag was found
nearby, but during investigation on the basis of confessional

statement of petitioner no.2 and after digging the earth amount of Rs. 40,000/- concealed in a plastic bag was recovered and, as such, the case has been found true under Section 411 of the Indian Penal Code against the informant and three others, who are petitioners.

Submission is of false implication and that the police without investigating the case properly has implicated the informant and his three associates in this case, no offence as alleged is made out against the petitioners and, as such, the petitioners deserve sympathetic consideration, as they are in custody since 22.04.2016.

Learned A.P.P. opposes the prayer of bail by submitting that on the basis of confessional statement of petitioner no.2 amount of Rs. 40,000/- was recovered after digging the earth.

In the facts and circumstances stated above, I am not inclined to enlarge the petitioner no. 2 (Suraj Pandey) on bail and accordingly, his such prayer stands rejected.

However, the three petitioners as from their custody nothing has been recovered, which is evident from perusal of impugned order and, as such, petitioner no.1 (Vivek Mishra), petitioner no.3 (Chitraketu Tiwary) and petitioner no.4 (Vishal Kumar) are directed to be released on bail on execution of bail

bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul, in connection with Supaul P.S Case No. 217 of 2016, 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J.)

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