

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41984 of 2016

Arising Out of PS.Case No. -33 Year- 2003 Thana -SHEKHPURA District- SEKHPURA

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Arjun Ram @ Arjun Dharhi, S/o late Ramchandra Dharhi, aged 65 years
R/o Purani Ishua, P.S. Sarmera, District Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Smt. Nirmala Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 13-12-2016 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in custody since
31.07.2016 in connection with Sheikhpura (Mehus) P.S. Case No.
33/03 for offences punishable under Sections 395, 397 of the
Indian Penal Code.

The prosecution case, as lodged by the informant,
is that two persons entered his house and when they did not find
any rifle/gun they looted other articles. 5-6 miscreants were also
present in the court-yard.

It has been submitted by the learned counsel for
the petitioner that he is innocent and has falsely been implicated in
the aforesaid case. He submits that the First Information Report
has been lodged against unknown and it is only on the basis of
confessional statement of co-accused that the name of this



petitioner surfaced. He further submits that nothing has been recovered from the possession of the petitioner and the age of the petitioner is above 70 years, as stated in paragraph 16 of this petition, although the age of the accused has been stated to be 22-23 in the F.I.R. It is submitted that no Test Identification Parade has been done so far, charge-sheet has already been submitted and the petitioner was apprehended by the police on mere suspicion.

However, learned APP for the State submits that although the petitioner is not named in the First Information Report, but during investigation his name surfaced, hence, opposes the prayer for bail.

Having regard to the facts and circumstances of the case, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura (Mehus) P.S. Case No. 33/03. Out of the two sureties, one must be close relative of the petitioner, who will file an affidavit giving genealogy as to how he/she is related with the petitioner. The bailors will undertake to furnish information to the court about any change in the address of the petitioner.

(Nilu Agrawal, J.)

Rajesh/-

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