

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38199 of 2016

Arising Out of PS.Case No. -30 Year- 2016 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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1. Lakhindra Sahani Son of Shivrodhan Sahani
2. Chhabila Sahani Son of Parikshan Sahani R/o Village- Nandpur, P.S.-
Muffasil, District- East Champaran. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar

For the Opposite Party/s : Mr. Rajkishore Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 04-10-2016 Heard both sides.

The petitioners apprehend their arrest in Muffasil
P.S. case No. 30/2016 under Section 401, 414 of the Indian Penal
Code.

The police on secret information that theft copper
wire is kept under earth in village Nandpur went there and
recovered 35 bundles of copper wire. The informant, a police
officer, alleged that petitioners and other accused persons are
habituated in committing theft of copper wire from electric pole or
from railway wiring.

The learned counsel for the petitioners submits that
save and except suspicion there is no material against the
petitioners. Other accused persons such as Bhagirath Sahni, Sri
Bhagwan Sahni and Santosh Sahni have got criminal antecedent.
Bhagirath Sahni has been granted bail. Sri Bhagwan Sahni has

been granted anticipatory bail vide order passed in Cr. Misc. No. 25159 of 2016. The petitioners have got no criminal antecedent and save and except suspicion there is no material on record against the petitioners. Even the witnesses in paragraphs 12, 13 and 14 of case diary have only suspected that Santosh Sahni and others, including the petitioners, are indulged in committing theft of copper wire.

Considering the fact that nobody has seen the petitioners committing the theft of copper wire or keeping the same under earth and the petitioners have got no criminal antecedent, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to 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 the learned Chief Judicial Magistrate, East Champaran at Motihari in Muffasil P.S. Case No. 30 of 2016 (G.R. No. 482 of 2016), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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