

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12338 of 2016

Arising Out of PS.Case No. -234 Year- 2015 Thana -DARBHANGA District- DARBHANGA

1. Bhola Sah, Son of Late Sitaram Sah, resident of Muhalla- Mukti, Police Station Darbhanga Town, District- Darbhanga. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindhyachal Rai

For the Opposite Party/s : Mr. A.Haque Sahara(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

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05-05-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Darbhanga Town P.S. Case No. 234 of 2015 registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code.

Allegedly, petitioner being staff of the informant, fled away with the amount of the informant collected from the shop-keepers and he has got criminal antecedent also.

Submission is of false implication and that there is no chit of paper to show that the petitioner went away with any amount of the informant. As a matter of fact, un-known person has committed loot in the pick-up van bearing Registration No. BR-78-808 of materials and cash for which the petitioner has lodged Manigachi P.S. Case No. 186 of 2015 which is under investigation, the informant was pressurizing the petitioner to pay

the entire amount of the materials and cash looted, the police made search of the house of the informant but nothing was recovered, he has got no criminal antecedent and he is suffering in custody since 18.01.2016.

The learned A.P.P. opposes the prayer of bail by submitting that during investigation witnesses have supported the prosecution version.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Darbhanga in connection with Darbhanga P.S. Case No. 234 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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