

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17653 of 2016

Arising Out of PS.Case No. -35 Year- 2016 Thana -BARACHATTI District- GAYA

1. Kamal Khan son of Late Minhaj Khan Resident of village - Beri, Police Station - Barachatti, District - Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Harun Quareshi, Advocate

For the Opposite Party/s : Mr. Upendra Kumar(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL  
ORAL ORDER

2 03-05-2016

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner apprehends his arrest in connection with Barachatti P.S. Case No. 35 of 2016 registered for offence punishable under Sections 467, 468, 471, 420, 387, 120 (B) of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that on receiving secret information about stolen truck, which was parked near the house of the accused Guddu Khan (Sadab Khan), the informant along with other police personnel arrived at the house of the Guddu Khan where the truck was parked and seizure list was prepared. It is also alleged that the forged document of truck was also recovered from the house of accused Guddu Khan.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent having no criminal antecedent as is evident from para-3 of this application and has

been falsely implicated in this case. He further submits that there is no specific allegation against him and no objectionable document has been recovered from his possession rather the recovery was made from the possession of another co-accused Guddu Khan and the petitioner has no concern with the said co-accused.

Learned counsel for the petitioner further submits that the accused Guddu Khan has been granted bail by the learned A.C.J.M., Sherghatty, Gaya.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sherghatty, Gaya in connection with Barachatti P.S. Case No. 35 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Nilu Agrawal, J)**

Sudha/-

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