

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29376 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -BAJPATTI District- SITAMARHI

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Sushil Bhandari son of Late Raj Kumar Bhandari, R/o Village- Piprarhi,
P.S.- Bajpatti, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-09-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the offences under Sections 461 and 379 of the I.P.C.

The prosecution story, in brief, is that the informant Siyaram Chaudhary submitted a written report before the Bajpatti Police Station stating therein that he is the Priest of Chhoti Kutir Mandir and on 21.1.2016 after performing Puja locked the door of the temple and went to sleep and in the morning found that out of four idols, two idols were missing which were of 'Hanumanji' and 'Sitajee'. Search was made but no trace came out and then the informant instituted the present case against unknown.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 23.1.2016 and the charge sheet

has been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. The petitioner has not been put on Test Identification Parade. No offence under Section 379 of the I.P.C. is made out. At best, the offence will come under the Antiquities and Art Treasures Act, 1972.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner above named be released 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, Sitamarhi in connection with Bajpatti P.S. case No.12 of 2016.

(Sudhir Singh, J)

Narendra/-

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