

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35104 of 2016

Arising Out of PS.Case No. -4 Year- 2009 Thana -ROSERA District- SAMASTIPUR

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1. Sanjay Kumar @ Sanjay Mahto Son of Late Ram Khelawan Mahto
Resident of Sighia Ghat, Police Station Bibhutipur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 30-09-2016

Heard both sides.

The petitioner apprehends his arrest in Rosera P.S.
Case No. 04/2009, registered for the offences punishable under
Sections 414, 34 of the Indian Penal Code.

The informant alleged that two persons were carrying
electric copper wire on motorcycle and on chase both persons
were apprehended. The apprehended accused persons disclosed
that Sanjay Kumar @ Sanjay Mahto, the petitioner gave them the
electric wire for selling the same.

Learned counsel for the petitioner submits that the
petitioner is innocent and there is no allegation of theft against
the petitioner. The petitioner is not named in the FIR. The
accused persons had taken the motorcycle for their

personal work. The petitioner has no manner of concern with the copper wire. The police after investigation submitted final form finding the case false against the petitioner but the learned Additional Chief Judicial Magistrate took cognizance against the petitioner differing with the finding of the Investigating Officer.

Considering the facts aforesaid and the fact that nothing has been recovered from the possession of the petitioner, the petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is 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 Additional Chief Judicial Magistrate, Rosera, Samastipur in connection with Rosera P.S. Case No. 04/2009, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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