

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5329 of 2016

Arising Out of PS.Case No. -766 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Raja Kumar Sah son of Gokul Sah resident of Mohalla Masaque Chak N.C.
Chaterjee Lane, Police Station - Adampur, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. C.Jawahar(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 31-03-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Kotwali
(Adampur) P.S. Case No. 766 of 2015 registered for the offences
punishable under Sections 461 and 379 of the Indian Penal Code.

Allegedly, after breaking gate and lock of the shop of
the informant, articles valuing Rs. 36,16,310/- were stolen away as
per description given in annexure-1 attached. During investigation,
on the basis of information furnished by the spy, co-accused Sumit
Kumar Sah @ Sonu was apprehended and he confessed his guilt
stating the name of the petitioner and other co-accused and
thereafter, the petitioner was also apprehended and from his
possession amount of Rs. 5100/- a part of theft amount was
recovered.

Submission is of false implication and that no theft

article was recovered either from conscious possession of the petitioner or from his house, the recovered amount was of the petitioner and he has been made victim of the circumstances. The petitioner has got clean antecedent and without any fault he is suffering in custody since 21.11.2015, to which the learned A.P.P. opposes by submitting that cash of Rs. 5100/- was recovered from possession of the petitioner.

In the facts and circumstances stated above, the petitioner, above named, shall be released on bail **after completion of six months custody from the date of his remand** 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 C.J.M., Bhagalpur in connection with Kotwali (Adampur) P.S. Case No. 766 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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