

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8522 of 2017

Arising Out of PS.Case No. -240 Year- 2016 Thana -RAJGIR District- NALANDA
(BIHARSHARIFF)

1. Siya Rajbanshi Son of Late Shyam Rajbanshi, R/o Mohalla - Marksbad Nagar, Virayatan, P.S. - Rajgir, District- Nalanda.
2. Sharwan Prasad, Son of Late Kapil Ram, R/o Village - Gouror, P.S. - Chabilapur, District - Nalanda.

.... Petitioner/s

Versus

- ## 1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samir Kumar Sinha

For the Opposite Party/s : Mr. Sri Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 04-04-2017 Heard learned counsel for the petitioners and
the learned A.P.P. for the State.

The Petitioners seek bail in Rajgir P.S. Case No. 240 of 2016 instituted for the offence under Section(s) 461, 379, 411, 427 of the Indian Penal Code.

It has been submitted that petitioners have been arrested merely on suspicion. There is no recovery of any idol alleged to have been stolen from the possession of the petitioners.

The written report has been filed against unknown alleging that some idols of the Parshwanath temple have been stolen by anti-social elements.

From the order of Sessions Judge, it appears



that names of these petitioners have come in para 17 of the case diary on the basis of statement of spy who stated that petitioners were found moving around the temple. The police has prepared the seizure list which shows that one hammer has been recovered from the possession of petitioner no. 1 and there is no recovery of any item from the possession of petitioner no. 2.

In this manner, mere suspicion has been raised against these petitioners in the written report. There is no recovery of any incriminating article from the possession of these petitioners.

In the facts and circumstances of the case, prayer of the petitioners for grant of bail is allowed. Let the Petitioners, above named, be released on bail on furnishing bail bond of ₹10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, IV, Bihar Sharif in connection with Rajgir P.S. Case No. 240 of 2016, subject to the conditions that both the bailors shall be the close relative of the petitioners.

Shageer/-

(Sanjay Priya, J)

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