

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28000 of 2017

Arising Out of PS.Case No. -539 Year- 2014 Thana -BANKA District- BANKA

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Md. Babu Khan @ Appu Khan, S/o Late Mati Khan, Resident of Village-
Nauwagarhi, Police Station- Naya Ramnagar, District- Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Mukherjee, Advocate.

For the Opposite Party : Mr. Murlidhar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Banka (Barahat) P.S. Case No. 539 of 2014 for the offences
instituted under Sections 379 of the IPC.

The prosecution story, in brief, is that on 19.11.2014 at
5.30 P.M., the Bolero Vehicle of the informant having
Registration No. JH 15D 7386 was parked by his driver Vishun
Ray near the house of the informant and key was handed over to
the informant's wife. When the informant came to his house from
closing his shop. His vehicle was present there. He slept in the
night. On 20.11.2014 at 8.30 A.M. when his driver came and did
not see the Bolero. He informed to the informant by mobile that
Bolero vehicle is not standing on the door. Informant came out of



his house and did not see the vehicle. Hence, the F.I.R. was registered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. He has falsely been implicated in the present case. The name of the petitioner has come on the basis of confessional statement of co-accused. No incriminating article has been recovered from the possession of the petitioner.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Banka (Barahat) P.S. Case No. 539/ 2014 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Banka, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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