

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49122 of 2017

Arising Out of PS.Case No. -252 Year- 2015 Thana -BELDAUR District- KHAGARIA

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1. Md. Sultan, Son of Md. Wakil,
2. Md. Imtiyaj, Son of Sahim @ Md. Sahim, Both R/o Village- Dighaun,
P.S.- Beldaur, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 17-10-2017 Heard both sides.

The petitioners apprehend their arrest in Beldour P.S.
Case No. 252 of 2015 registered for the offence punishable under
Section 379 of the Indian Penal Code.

The informant alleged that a theft was committed in
the shop of his son on 06.04.2015 and different mobile phones and
other articles worth Rs. 80,000/- were stolen. A Panchayati was
held and the petitioners confessed their guilt and admitted to pay
Rs. 13,000/- to the informant, but the petitioners did not pay the
amount.

Learned counsel for the petitioners submits that the
occurrence took place on 06.04.2015, but the FIR was lodged on



05.11.2015 i.e. only after seven months of the occurrence. Nobody saw the petitioners committing theft. The petitioners have falsely been implicated in the case.

Considering the facts aforesaid and the fact that the FIR was lodged after seven months of the occurrence, the petitioners above named in the event of their 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, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IIIrd, Khagaria in Beldour P.S. Case No. 252 of 2015, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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