

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 49158 of 2016

Arising out of P.S. Case No. - 143 Year - 2016 Thana - DAUDNAGAR District - AURANGABAD

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Santosh Kumar, Son of Sri Nawal Kishore Sharma, Resident of Village -
Baruna, Police Station Rafiganj, in the district of Aurangabad

.... Petitioner

Versus

1. The State of Bihar
2. Ravi Kumar Sharma, Son of Late Nagendra Sharma, Resident of Village
- Jamuama, P.S. Daudnagar, in the district of Aurangabad

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Prabhu Narayan Sharma, Advocate

For the Opposite Parties : Mr. Sri Ram Anurag Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 27-01-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 406 of the Indian Penal Code.

The petitioner is relative of the informant. The informant along with this petitioner was going on a motorcycle to deposit money in the bank. The money was found missing which was kept in the dicky of the motorcycle, hence, the petitioner was suspected.

Submission of the petitioner is that the occurrence, allegedly, took place on 02.08.2016 and the FIR was lodged on 20.08.2016.



The informant opposes the prayer for bail and contends that, in fact, on the date of occurrence, the petitioner had admitted to refund the money, hence, the police did not lodge the case. However, subsequently, the money was not refunded. There is no dispute that nothing was recovered, from possession of the petitioner, at the spot.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daud Nagar/Successor Court in connection with Daud Nagar Police Station Case No. 143 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Birendra Kumar, J)

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