

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26858 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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1. Birju Sah @ Birju Kumar, Son of Late Jiya Lal Sah, Resident of Kala Dighhi (East), Hajipur, Police Station- Sadar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prafull Chandra Jha, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh -5, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2017 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in custody since
12.01.2017 in connection with Town P.S. Case No. 34/17, G.R.
No. 158/17 for offences punishable under Sections 457, 382, 511,
401, 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant,
is that on the information that lock of his shop was being broken
by some miscreants and on raising alarm by nearby shopkeepers,
three miscreants including the petitioner were apprehended and
from their possession some gazettes used for breaking the lock
was recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for



the petitioner that he is innocent, bears no criminal history and is a fruit seller in the market area where the shops are situated. He submits that nothing has been recovered from the conscious possession of the petitioner, charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and that one of the co-accused Guddu Sah, apprehended by the police along with the petitioner, has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 22941 of 2017 on 22.05.2017 on completion of six months in custody and that petitioner has been made accused due to some mistaken facts.

However, learned APP for the State opposes the prayer for bail.

Be that as it may, let petitioner, above named, be enlarged 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 Chief Judicial Magistrate, Muzaffarpur in connection with Town P.S. Case No. 34/17, G.R. No. 158/17.

(Nilu Agrawal, J)

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