

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8395 of 2017

Arising Out of PS.Case No. -144 Year- 2016 Thana -BABUBARHI District- MADHUBANI

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Sambhu Ram, Son of Jagdeo Ram, resident of Village - Ekahara, P.S. -
Phulpras, District - Madhubani.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Advocate.

For the Opposite Party : Mr. Ramchandra Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-03-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 04.09.2016
in connection with Babubarhi P.S. Case No. 144 of 2016 for the
offences instituted under Sections 461, 379, 411 and 120(B) of the
IPC.

The prosecution story, in brief, is that one Tempo was
intercepted and the police recovered the black stone Idol of '*Shiv-
Parvati*' from the lap of co-accused Basant Kumar Sah. It has
further been alleged that the petitioner was sitting in the said
Tempo.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 04.09.2016 and the charge sheet has



been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. He has been made accused in the present case due to mistake of fact. The petitioner was passenger in the said Tempo and he had no knowledge regarding the Statue being carried in the said vehicle. The other co-accused has been granted bail by another co-ordinate Bench of this Court vide Cr. Misc. No. 4987 of 2017.

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 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IInd, Madhubani, in connection with Babubarhi P.S. Case No. 144 of 2016.

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(Sudhir Singh, J)