

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1057 of 2016

Arising Out of PS.Case No. -225 Year- 2016 Thana -MITHANPURA District- MUZAFFARPUR

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1. Shiv Shanker Sahani, son of Sita Ram Sahani, resident of Village- Bari Kothiya, P.S.- Mushahari, District- Muzaffarpur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bela Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 28-01-2017 Heard learned counsel for the appellant as well as learned Special PP.

On account of refusal of bail by the learned Special Judge, SC/ST (POA) Act, Muzaffarpur vide order dated 01.10.2016 in connection with Mithanpur PS Case No. 225/2016, instant appeal has been preferred in accordance with the Section 14A of the Act.

It has been alleged by the informant under the written report that on 22.09.2016 while she along with her husband had gone to the Bank to withdraw amount, appellant, Shiv Shanker Sahani who was doing mason work along with her husband, telephoned him over which she with her husband went to his place along with the cash having kept in a Jhola as well as other documents which, as alleged was taken by the petitioner. Inspite



of repeated demand, he declined to return the same back.

From perusal of the case diary, it is evident that petitioner was apprehended on the same day from his shop without any recovery and on account thereof, is under custody since thereafter having absence of criminal antecedent as per disclosure under para-3 of the petition.

That being so, the appellant, namely, Shiv Shanker Sahani is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of 3rd Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Muzaffarpur in Mithanpura PS Case No. 225/2016, after setting aside the order impugned.

Consequent thereupon, instant petition is allowed.

On account of appellant being under custody the second paragraph of order dated 19.12.2016 seems to be insignificant.

(Aditya Kumar Trivedi, J)

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