

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48522 of 2018

Arising Out of PS. Case No.-9 Year-2018 Thana- BAHADURPUR District- Darbhanga

Sajan Kumar @ Sajan Kumar Jha S/o Ram Ratan Jha, R/o Vill.- Piprauliya,
P.S.- Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi

For the Opposite Party/s : Mr. Shantanu Kumar (APP)

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 06-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Bahadurpur P.S. Case no. 9 of 2018, registered under
Sections 461, 379, 406 and 420 of the Indian Penal Code.

The petitioner is said to be the staff of the
informant and has committed burglary of Rs.1,75,000/- by
breaking the rod of the window and the lock of cash box as he
did know the presence of money in the cash box because he was
deputed in the counter of the shop. Later to the aforesaid
occurrence, he had also defalcated Rs. 5000/- collected by him
on behalf of the shop.

Learned counsel for the petitioner submitted that



the petitioner used to work in the shop of the informant and was engaged in the collection of money from the market for the informant. There was some miscalculation in the collection and deposit of money and over the aforesaid reason, the informant has sacked him from the service and also lodged this false and frivolous case against him after one and half month. It is also submitted that as per the FIR itself, the petitioner had got prepared the duplicate key of the shop, so had the petitioner got prepared the duplicate key, why he would have committed theft by breaking rod of the window, which creates serious doubt about the prosecution case. It is also submitted that the occurrence is said to be of 23.11.2017, but the FIR has been lodged after inordinate and abnormal delay of one and half month i.e. on 8.1.2018 without assigning any plausible and convincing reason of the aforesaid delay.

On the other hand, learned APP for the State opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of the Sub-Divisional Judicial Magistrate, Darbhanga in connection with Bahadurpur P.S. Case no. 9 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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