

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51963 of 2018

Arising Out of PS.Case No. -406 Year- 2018 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

=====

Surendra Sah Son of Ramautar Sah resident of Village- Ganeshpur (Jiyalal Chowk), P.S. Ahiyapur, District Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 20-09-2018

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Town P.S. Case No. 406/2018 registered for the offence punishable under Sections 401 and 379 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. In the written report lodged by the informant, it is stated that one Tempo stopped near him when he was going towards Sadar hospital. Four persons were already sitting in the Tempo. The Tempo driver asked this petitioner as to where he wanted to go, upon which the petitioner told him that he had to go to Islampur. It is alleged that petitioner was told to sit in the



Tempo in which four persons were already sitting. It is alleged that when the petitioner with his wife and one son sat in the Tempo, on way one person sitting in the Tempo gave him a kind of pull of the hand but he could not understood the same. On way the petitioner, his wife and son were made to de-board from the tempo on the asking of one of the passengers who told the driver that his bag was left on a shop. When the informant was de-boarded, he found that a sum of Rs. 33,000/- kept in his pocket were missing. On this the informant shouted and the Tempo was intercepted. The four persons who were on the Tempo fled away but this petitioner was arrested. Learned counsel for the petitioner submits that the petitioner was wrongly identified as owner of the vehicle in question. It is submitted that no recovery of money could be made from possession of the petitioner. It is also submitted that the petitioner has been made accused in one case in which he is on bail.

Considering the facts and circumstances of the case wherein nothing has been recovered from the possession of the petitioner, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 15,000/- (Rupees fifteen thousand only) with two sureties of the like amount each to



the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur, in connection with Town P.S. Case No. 406/2018, subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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