

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.24213 of 2019

Arising Out of PS. Case No.-380 Year-2018 Thana- MANJHAGARH District- Gopalganj

RAMBHU NUT, aged about 25 years, Male, Son of Musaphir Nut, Resident
of Village- Shivrajpur, P.S.- Kaseya, District- Kushi Nagar, U.P.

... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Shyama Kant Singh, Adv.

For the Opposite Party : Mr. Ansar Ul Haque, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 18-04-2019

Heard the learned counsel for the petitioner and the learned
Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
10.12.2018 in connection with Manjhagarh P.S. Case No. 380 of 2018
for the offences alleged under Sections 467 and 380 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is that
while after food he was sleeping in his house in the night he heard
some noise. On waking up, he saw four persons and on alarm they
fled away, but, the petitioner was apprehended in the orchard of one
Khalifa, who revealed the names of three of his associates. It was
later found out that the petitioner along with others had stolen some
ornaments and cash from the house of other villagers.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has been
falsely implicated in the aforesaid case. He submits that no stolen
article has been recovered from the possession of the petitioner and
the petitioner is languishing in judicial custody since more than four



months, charge sheet having been submitted, there being no allegation of tampering with the prosecution witnesses/evidence. He submits that some of the co-accused have been granted the privilege of bail by the learned Court below itself.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and the materials on record as well as the fact that the petitioner does not bear a criminal antecedent, as stated in paragraph 3 of the present application, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Manjhagarh P.S. Case No. 380 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj, or the successor Court subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Shamshad/-

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