

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37704 of 2019

Arising Out of PS. Case No.-413 Year-2019 Thana- BIHTA District- Patna

1. RUPESH KUMAR Son of Bataha Mahto Resident of Kanhauli, P.S.- Bihta, District- Patna.
2. Raja Kumar Son of Kamlesh Ram Resident of Kanhauli, P.S.-Bihta, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kishor

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 21-06-2019 Heard learned counsel for the petitioners and the State.

The petitioners seek bail in **Bihta P.S. Case No. 413 of 2019**, instituted for the offence under Section (s) 457, 380 and 511/34 of the Indian Penal Code.

It is alleged in the written report that on the date of occurrence while the informant along with his family members after taking meal went to sleep, they heard sound of breaking lock of the gate. The informant and his family members woke up and saw some persons going on the roof of his house with the help of ladder. It is further alleged that informant raised *hulla* then petitioner and other accused persons as named in the written report were caught hold by the villagers. They



confessed that they had come to commit theft. The informant identified the petitioners in the light of bulb.

Counsel for the petitioners submits that petitioners have been falsely implicated in the instant case due to previous enmity. They have been caught hold on the spot, but no incriminating article has been recovered from their possession. The petitioners have been made accused due to village politics and previous enmity. There is no recovery of any incriminating article from possession of the petitioners.

Petitioners are in custody since 27.4.2019.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioners for grant of bail is allowed. Let the petitioners above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate, 1st Class, Danapur, Patna,** in connection with **Bihta P.S. Case No. 413 of 2019,** subject to the condition that both the bailors will be close relatives of the petitioners.

(Sanjay Priya, J)

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