

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36417 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- RAMGARH District- Kaimur (Bhabua)

Sabir Khan, Son of Late Manaur Khan, Resident of Village Akhini, P.S.
Nuanon, District Kaimur at Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2023 Heard Mr. Dharmesh Kumar Shrivastava, learned
counsel appearing on behalf of the petitioner and the learned
APP for the State.

2. The petitioner is apprehending his arrest in
connection with Ramgarh (Nuaon) P.S. Case No. 41 of 2023
registered for the offences punishable under Sections 379 and 4
27 of the Indian Penal Code.

3. The informant, who happens to be the Circle
Officer, alleged that on the basis of the report submitted by the
Revenue Karamchari it transpired that this petitioner is
instrumental in cutting the tree situated at Kabristan land,
resulting into lodging of the F.I.R.

4. Learned counsel appearing on behalf of the
petitioner submits that though the F.I.R. has been instituted by



the Circle Officer on the report of Halka Karamchari, but neither there is any eye witness nor there is any person who disclosed about the complicity of the petitioner or their statement has been recorded. He next submits that the petitioner is aged about 70 years, suffering from various ailments and even during the course of investigation none has claimed regarding the presence of the petitioner on the place of occurrence. He lastly submits that the entire case is based on suspicion and the petitioner has got clean antecedent.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the old age of the petitioner and the fact that the F.I.R. has been lodged on the basis of information given by the local people, whose name has not even been disclosed, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Kaimur at Bhabhua in connection with Ramgarh (Nuaon) P.S. Case No. 41



of 2023, subject to the condition as laid down under Section 438
(2) of the Cr.P.C. with the further condition that one of the
bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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