

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13954 of 2015

Arising Out of PS.Case No. -2 Year- 2015 Thana -WEST CHAMPARAN GRP CASE District-
WESTCHAMPARAN(BETTIAH)

=====

Sanju Kumar Nishad, S/o Prem Chandra Nishad, R/o Belbanwa P.S.-
Motihari, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr.Adv.
Mr. Patanjali Kumar

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 27-05-2015 Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Sections 365, 379, 419 and 120B of the Indian Penal Code.

It is submitted by learned senior counsel appearing on behalf of the petitioner that though the petitioner is named in the FIR vide Annexure-1 as an accused and though he was apprehended near the alleged place of occurrence by the police, but petitioner is not alleged to have participated in the crime of kidnapping of the informant and further no incriminating article was recovered from his possession. It is also highlighted that the petitioner is a first offender and no other criminal case excepting the present one is pending against him. The petitioner is said to be in judicial custody since 30.01.2015.

Learned Addl. P.P. appearing on behalf of the State, after going through the case diary, has not been able to point out that any stolen or snatched article was recovered either from the house or from the possession of the petitioner. She has also not

been able to show that the petitioner is accused in any other criminal case excepting the present one.

Taking into consideration the aforesaid aspects, the prayer for bail of the petitioner is allowed. The petitioner above named is directed to be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, West Champaran at Bettiah in connection with Rail Motihari P.S. Case No.02 of 2015 (described in the impugned order as Bapudham Motihari G.R.P. P.S. Case No.02 of 2015, subject to the conditions that:

- (a) One of the bailor shall be government servant,
- (b) other bailor shall be either his father or mother,
- (c) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (d) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

Arvind/-

(Birendra Prasad Verma, J)

U		T	
---	--	---	--