

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44397 of 2014

Arising out of PS.Case No. -21 Year- 2002 Thana -PIPRASI District-
WESTCHAMPARAN (BETTIAH)

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Sharavan Kushwaha @ Sharvan Kushwaha, son of Ramdhari Kushwaha,
R/o Hanumanganj, P.S- Jataha, District Kushinagar (U.P.).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Arun Kumar Singh 5, APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 04-02-2015

Heard Mr. Bimlesh Kumar Pandey, learned counsel

appearing on behalf of the petitioner and learned counsel for the
State.

The petitioner is in custody in connection with
Piparasi P.S. Case No.21 of 2002 for the offence punishable
under section 364(A) of the Indian Penal Code.

Mr. Pandey, learned counsel appearing for the
petitioner while admitting that the case is quite old, has
submitted that since the petitioner had no knowledge about the
case that no steps was taken by him and it is only after his arrest
on 5.5.2014 that he gathered knowledge about the present case.
It is further submitted that the basis on which the allegation has
been set up by the informant in the FIR is not disclosed. He
submits that even after return of the victim, no material has



come on record against the petitioner. Learned counsel for the petitioner while admitting to the cases pending against the petitioner as mentioned in paragraph 3 of this application has submitted that in so far as the present case is concerned the involvement is only on suspicion.

Having heard learned counsel for the parties and taking into consideration the circumstances existing, let the petitioner namely, Sharavan Kushwaha @ Sharvan Kushwaha be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Piparasi P.S. Case No.21 of 2002 subject to the following conditions:

- (a) That one of the bailors should be a local resident of the District of West Champaran and who shall file an affidavit disclosing his relationship with the petitioner as well as proof of residence. The said bailor would also be under a duty to inform the court concerned in case the petitioner after his release in the present case is involved in any further case of similar nature and whereupon the court concerned would cancel the bail bond of the petitioner and take

him into custody.

- (b) The petitioner shall ensure his representation before the court below on each and every date fixed and his failure to do so on two consecutive dates fixed without reasonable explanation to the satisfaction of the court below, would entitle the court concerned to cancel his bail bonds and to take him into custody.
- (c) The petitioner would keep the court below informed regarding his change of address as also would not try to delay the matter.
- (d) Any attempt by the petitioner to avoid or delay the proceedings would entitle the court below to cancel his bail bonds and to take him into custody.

(Jyoti Saran, J)

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