

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17386 of 2015

Arising Out of PS.Case No. -32 Year- 2014 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

Ashok Singh S/o Late Ramchandra Singh R/o Kudia, P.S. Pipra, District E.
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Adv
For the Opposite Party/s : Mr. Chandra Bhushan Prasad(App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 25-06-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-328 and 395 of the Indian Penal Code and the fact that the name of the petitioner basically has surfaced on account of two circumstances, namely, recovery of the 497 bags of consignment which was subject matter of dacoity and confession of co-accused, this Court would find that the petitioner has a cut out defence as with regard to recovery of 197 bags of Sugar from the premises, which was already given by him by way of



lease for running a brick kiln to Ram Chandra Singh and Smt. Sikila Devi. Additionally, the confession of the co-accused also does not inspire confidence, inasmuch as, he also says that he had also come to know of the implication of the petitioner. Thus, when learned counsel for the petitioner has insisted that the petitioner also has got no criminal antecedent and in paragraph no. 81 of the case diary, confession of co-accused records that the petitioner as also other co-accused are having criminal antecedent, had at least four cases namely,

(i) Motihari P.S. Case No. 62 of 2014 dated 12.03.2014,

(ii) Motihari P.S. Case No. 63 of 2014, dated 02.03.2014,

(iii) Hasidi P.S. Case No. 45 of 2014

(iv) Pipra Kothi P.S. Case No. 20 of 2014

this Court would direct that if the petitioner, namely **Ashok Singh** surrenders within a period of four weeks from today and if it is found that the petitioner is not an



accused in any of the aforementioned four cases, he shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **Judicial Magistrate 1st Class, East Champaran, Motihari** in connection with **Keshariya P.S. Case No. 32 of 2014**, subject to the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioner and he shall be released on bail only when it is found that he has no criminal antecedent.

(ii) That both the bailors will be close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(iii) That the bailors shall also state on

affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

Ranjan/-
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(Mihir Kumar Jha, J)