

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18798 of 2015

Arising out of PS.Case No. -292 Year- 2014 Thana -BAIRIYA District- WEST CHAMPARAN
(BETTIAH)

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Surender Sharma @ Surendra Sharma, S/O Late Chokat Sharma, Resident
of Village- Tilangahi, P.S.- Bairia, West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party/s : Mr. Kr. Virendra Narayan(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 17-06-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Sections 413 and 414 of the Indian Penal Code and the fact that the petitioner was neither apprehended at the spot nor the recovery of the motorcycle has been made from his conscious possession, this Court, taking into account that the petitioner has also got no criminal antecedent and that his implication in the present case is based on confession of co-accused, would direct that if the petitioner, namely, Surender Sharma @ Surendra Sharma surrenders before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah in connection

with Bairia P.S.Case No. 292 of 2014, subject to the following conditions:

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- (i) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.
 - (ii) That both the bailors will be close family relatives of the petitioner, who will undertake 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 affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
 - (iv) 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 his

bail on the ground of misuse.

- (v) That the petitioner will be well represented on each and every date in course 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.

(Mihir Kumar Jha, J)

Sujit/-

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