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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13014 of 2016
Arising Out of PS.Case No. -166 Year- 2014 Thana -SONBERSA District- SITAMARHI

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1. SIKANDAR MUKHIYA @ SIKENDRA MUKHIYA Son of Mahesh Mukhiya, residents of Village- Bhutahi, P.S.- Sonbarsa, District- Sitamarhi.
.... Petitioner

Versus

1. The State of Bihar .... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Ashhar Mustafa
For the Opposite Party/s : Mr. Tapeshwar Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-05-2016 Heard learned counsel for the petitioner and learned APP for the Sate.

The petitioner seeks bail in connection with Sonbarsa P.S. Case No. 166 of 2014 registered for the offence punishable under Section 392 of the Indian Penal Code.

The petitioner is not named in the first information report, during investigation the name of the petitioner transpired in the statement of Spy of Police and further witness Bishwanath Mahto stated that he saw the petitioner and others fleeing away rashly towards village, same fact has been disclosed by witness Suresh Mukhiya also and the petitioner was apprehended after chase and looted mobile was recovered from his possession.

Submission is of false implication and that the petitioner has been made victim of circumstances, the petitioner is

co-villager of informant but he has not named the petitioner, the petitioner has not been put on test identification parade, the recovered mobile was purchased by the petitioner from Manikant Kumar and as such he deserves sympathetic consideration to which the learned APP opposes by submitting that the petitioner has got criminal antecedent also.

In the facts and circumstances stated above, the petitioner above named **shall be released on bail after completion of six months custody from the date of his remand**, on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sonbarsa P.S. Case No. 166 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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