

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38391 of 2016

Arising Out of PS.Case No. -22 Year- 2016 Thana -SAMASTIPUR GRP CASE District-
SAMASTIPUR

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Deepak Kumar, S/o Dinesh Yadav, Resident of village- Sirsi, P.S.
Bibhutipur, District Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Suneil Kumar Thakur, Advocate

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 395 of the Indian Penal Code registered in connection with Samastipur Rail/G.R.P. (SPJ) P.S. Case No. 22 of 2016.

3. It is submitted that the petitioner has been falsely implicated only because he happens to be the son of the concerned Chowkidar, who assisted in the arrest of the co-accused Sujuki Kumar. The petitioner is not named in the FIR and has been implicated only on the confessional statement of the said co-accused Sujuki Kumar. Petitioner claims clean antecedents.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction

of learned Judicial Magistrate (Rail), Ist Class, Samastipur in connection with Samastipur Rail/G.R.P. (SPJ) P.S. Case No. 22 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

B.T/Chandran

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