

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12322 of 2016

Arising Out of PS.Case No. -303 Year- 2015 Thana -CHATOUNI District-
EASTCHAMPARAN(MOTIHARI)

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1. Chandan Kumar, Son of Ramayan Prasad, resident of Village- Mathia Dih, P.S. Chhatauni, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Abhay Kumar -I(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 04-05-2016 Heard the learned counsel for the petitioner and the learned A.P.P. representing the State.

The petitioner seeks bail in connection with Chhatauni P.S. Case No. 303 of 2015 registered for the offence punishable under Section 414/34 of the Indian Penal Code.

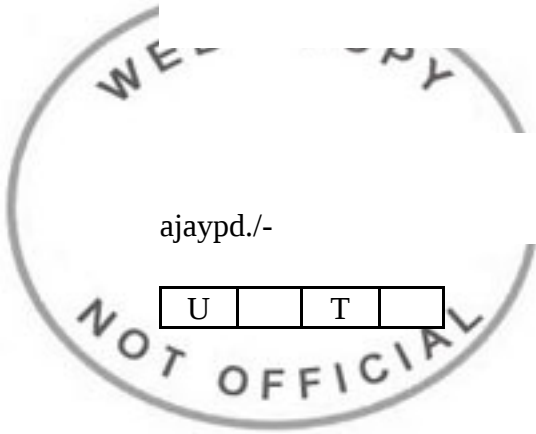
Allegedly, the petitioner driving the motor-cycle and co-accused Raja Kumar @ Munna @ Raj Kumar being a pillion rider were caught with motor-cycle by the informant and other police personnel and for that, no paper was produced.

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

Raja Kumar @ Munna @ Raj Kumar has already been allowed bail vide Criminal Miscellaneous No. 8443 of 2016 passed by another co-ordinate Bench of this Court, there is no case of theft regarding the said motor-cycle, nothing was recovered from conscious possession of the petitioner and merely, on the basis of suspicion, the petitioner was apprehended, the petitioner does not claim the said motor-cycle, the petitioner is suffering in custody since 17.12.2015 and, as such, he deserves sympathetic consideration, to which the learned APP opposes by submitting that the petitioner has got criminal antecedent also as he is involved in five more cases.

In the facts and circumstances stated above, the petitioner, above named, ***shall be released on bail after completion of six months in 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, Motihari, East Champaran, in connection with Chhatauni P.S. Case No. 303 of 2015, subject to the conditions that one of the bailors must be 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)