

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54424 of 2016

Arising Out of PS.Case No. -153 Year- 2016 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Bhukhal Prasad Kushwaha, son of Vurai Pd. Kushwaha @ Bhurai Pd. Kushwaha @ Ghurai Pd. Kushwaha, Residents of Village- Rajapur Mathia, Police Station- Kotwa, District- East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dhurendra Kumar, Advocate

For the Opposite Party : Mr. Sri Rana Randhir Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 23-12-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Sugauli
P.S Case No. 153 of 2016 registered for the offences punishable
under Sections 379/411 of the Indian Penal Code.

Allegedly, the petitioner and two other co-accused
after breaking the lock of the motorcycle of the informant were
trying to take away, but they fell down beneath the bridge and then
villagers and the informant after chasing them came there and then
three miscreants were apprehended including the petitioner and
motorcycle was also recovered.

Submission is of false implication and that the



petitioner has been made victim of the circumstances, he has not committed theft of the motorcycle and without any fault he is suffering in custody since 06.07.2016.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioner was caught red handed with stolen motorcycle.

In the facts and circumstances stated above, **the petitioner after completion of six months in custody from the date of remand shall be released on bail** on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned 7th Additional Chief Judicial Magistrate, East Champaran at Motihari, in connection with Sugauli P.S. Case No. 153 of 2016, 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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