

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33444 of 2016

Arising Out of PS.Case No. -156 Year- 2015 Thana -BELA District- SITAMARHI

Moti, son of Lutphur, Resident of Village Machhpakauni, P.S. Bela,
District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate

For the Opposite Party: APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 24-08-2016 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 148, 149, 323, 324, 337, 338, 307, 353, 504 and 506 of the Indian Penal Code registered in connection with Bela P.S. Case No. 156 of 2015.

3. It is submitted that the petitioner has been falsely implicated in a case of mistaken identity as the first information report was instituted against the namesake of the petitioner being a resident of village Kanhwa whereas the petitioner is a resident of village Machhpakauni, which is further evident from the injury report of Moti showing the parentage which is different from the petitioner's parentage.

4. Having regard to the entirety of the facts and circumstances of the case, as such, in the event of the arrest or surrender of petitioner 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) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate,

Sitamarhi in connection with Bela P.S. Case No. 156 of 2015, 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) 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.

(iii) The petitioner shall remain physically present 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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