

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7441 of 2017

Arising Out of PS.Case No. -108 Year- 2016 Thana -RAJPUR District-
EASTCHAMPARAN(MOTIHARI)

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Santosh Kumar Rai son of Sheoji Rai, R/o Mehdi Nagar Bankat Ward No.
13, P.S.- Baruraj, District- Muzaffarpur. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. Sri Panchanand Pandit

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 20-03-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Rajepur P.S.
Case No. 108 of 2016 registered for the offences punishable under
Section 393 of the Indian Penal Code and Section 27 of the Arms
Act.

The petitioner is not named in the first information report
which is against three unknown. During investigation the
petitioner was arrested and remanded in this case on the basis of
the fact that he is the Nandoshi of Kiran Kumari the owner of the
motorcycle which was found at the place of occurrence.

Submission is of false implication and that on the alleged
date of occurrence the petitioner was coming on the motorcycle
and after parking the said motorcycle went to attend the call of
nature, in the meantime incident took place, the nearby persons



under misconception told that the miscreants have left the motorcycle and fled away. The petitioner without any fault is suffering in custody since 05.10.2016, nothing has been recovered from his possession, no test identification parade was conducted and as such the petitioner deserves sympathetic consideration.

Learned APP submits that the miscreants after leaving the motorcycle fled away and that motorcycle is being used by the petitioner.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail 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, East Champaran in connection with Rajepur P.S. Case No. 108 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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