

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22623 of 2017

Arising Out of PS.Case No. -431 Year- 2016 Thana -DALSINGHSARAI District- SAMASTIPUR

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Shivam Kumar Choudhary @ Kar Babu Son of Sanjay Kumar Choudhary
Resident of Village - Asinchak, P.S. Dalsingsarai, District - Samastipur.

.... Petitioner

Versus

1. The State of Bihar.
2. Branch Manager, Bank of Baroda, Harishan Karpur Branch, P.S. Dalsingsarai, District - Samastipur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. S.N.P. Sinha, Sr.Advocate with
M/S Ajit Kumar, Rashmi Bharti, Advocates
For the Bank : Mr. Ravi Verma, Advocate
For the Opposite Party/s : Mr. Md. Ansarul Haque, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 07-07-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with Dalsingsarai P.S.Case No. 431 of 2016 registered for the offences punishable under Sections 393, 398, 302, 120B of the Indian Penal Code and 27 of the Arms Act.

Petitioner is not named in the FIR. However, it appears from the impugned order that he has been made accused on the basis of his confession and further allegation is that on his own confession one country made pistol has been recovered from the house of co-accused.

Submission of learned counsel for the petitioner is that except his confession there is nothing against him and there is nothing on record that the fire arm was used in the occurrence and he is in custody since 29.12.2016 and after the present case he has been remanded in another case.



Heard learned APP and learned counsel for the Bank.

Having heard both sides and considering the aforesaid facts and circumstances, let the petitioner, named above, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Dalsingsarai, Samastipur, in connection with Dalsingsarai P.S.Case No. 431 of 2016, subject to the conditions that :-

- (i) One of the bailors of the petitioner shall be his family member having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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