

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47728 of 2017

Arising Out of PS.Case No. -39 Year- 2016 Thana -CHEWRA District- SEKHPURA

- =====
1. Shishupal Kumar, Son of Shiv Kumar Paswan.
 2. Vikash Kumar, Son of Sukhu Paswan, Both resident of village-Milkyper, P.S.- Rahui, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-10-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since
16.05.2017 in connection with Chewara P.S. Case No. 39/16 for
offences punishable under Section 395 of the Indian Penal Code.

The prosecution case, as lodged by the Khalasi of the
truck, is that while the truck loaded with pulse was going from
Barh to Santia and driver Chandeshwar Yadav was driving the
truck some miscreants intoxicated them, tied their hands and feet,
snatched their mobile, cash and silver chain and took away the
loaded truck.

It has been submitted by the learned counsel for the
petitioners that they are innocent, not named in the First



Information Report and their name surfaced on the confessional statement of co-accused Saurav Kumar and Birendra Kumar. The petitioners have been remanded in the present case, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He submits that co-accused Saurav Kumar, on whose confessional statement the name of the petitioner surfaced, has been granted privilege of bail by this Court in Cr. Misc. 36284 of 2017 on 25.08.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioners do not have clean antecedent and are involved in two more cases of similar nature.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-III, Sheikhpura, in connection with Chewara P.S. Case No. 39/16, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.



- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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