

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51117 of 2017

Arising Out of PS.Case No. -195 Year- 2000 Thana -SIWAN MUFFASIL District- SIWAN

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1. Raj Kumar Sharma Son of Bishwanath Sharma resident of village
Rampur Bishunpur Police Station Siwan Muffasil District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-11-2017 Heard the parties.

The petitioner seeks regular bail in connection with Siwan
(Muffasil) P.S.Case No.195 of 2000 registered for offences
punishable under Sections 392 of the Indian Penal Code.

Petitioner is not named in the FIR and later on his name
transpired in this case on the statement of some witnesses.

Submission of the learned counsel for the petitioner is that
six months after the occurrence, name of the petitioner has
transpired in this case on the basis of statement of some villagers,
who is alleged to have stated that he had seen going along with the
motorcycle carrying an empty cylinder. It has also been submitted
that though he is accused in 10 other cases also but all of them
were lodged prior to 2000 and there is no case of recent year
against the petitioner and the petitioner has been falsely
implicated in this case. He is in custody for about 2 ½ months and



now he is ready to abide by any condition imposed upon him.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M., Siwan in connection with Siwan (Muffasil) P.S.Case No.195 of 2000.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and in the event of failure to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bond.
- (iv) If his active participation is found in such type of cases in future, his bail bond shall be cancelled.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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