

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35502 of 2017

Arising Out of PS.Case No. -180 Year- 2016 Thana -NAUTAN District- SIWAN

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1. ABHISHEK KUMAR SINGH @ CHHOTE SARKAR Son of Sri Chandeshwar Singh R/o Village- Gambhirpur, P.S.- Nautan in the District of Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Aditya Narayan Singh 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-08-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 08.03.2017 in connection with Nautan P.S. Case No. 180 of 2016 for offence punishable under Section 379 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that after attending a meeting while he was proceeding on his motorcycle, stopped for natural call and on turning he found two miscreants taking away his motorcycle in which some cash and documents were kept.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information



Report and on the confessional statement in another case bearing Nautan P.S. Case No. 14 of 2017, he has been made accused. It is also submitted that co-accused has been granted bail by this Court in Cri. Misc. No. 26308 of 2017 on 06.07.2017. He further submits that charge-sheet has already been submitted and there is no chance of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is an accused in as many as nine cases and he is a habitual offender.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XII, Siwan, in connection with Nautan P.S. Case No. 180 of 2016 subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that 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. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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