

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.47814 of 2017**

Arising Out of PS.Case No. -193 Year- 2017 Thana -HARSIDHI District-  
EASTCHAMPARAN(MOTIHARI)

=====

Babalu Kumar, Son of Paspat Sahani, Resident of Village- Dhawahi, P.S.-  
Harsidhi, District- East Champaran.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Shatrughan Pandey, Advocate.

For the Opposite Party : APP

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL ORDER

2      18-10-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner is in custody since 28.05.2017 in connection with Harsidhi P.S. Case No. 193 of 2017 for the offences alleged under Section 414 of the Indian Penal Code and 25(1-b)a, 26 and 35 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated and no recovery of any fire arms has been made from the possession of the petitioner. Learned counsel for the petitioner makes a statement in his bail petition, co-accused Tuna Sahani @ Tunna Sahani @ Tuna Kumar has claimed ownership of the Bajaj Discover Motorcycle in question. The said co-accused Tuna Sahani @ Tunna Sahani @ Tuna Kumar has been granted bail by this Court in Cr. Misc. No. 43004 of 2017. The petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-



(ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, in connection with Harsidhi P.S. Case No. 193 of 2017, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

**(Vikash Jain, J)**

Md. Ibrarul/Chandran

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