

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4264 of 2017

Arising Out of PS.Case No. -138 Year- 2016 Thana -RIGA District- SITAMARHI

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1. Shyam Kumar @ Shaym Kumar Sah, son of Bal Kuwar Sah @ Bal Kumar Sah, R/o village- Masaha Narottam, P.S. - Bairginia, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Nisha Singh

For the Opposite Party/s : Mr. Jagdhan Pd. Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-02-2017 Heard the parties.

This application has been filed in connection with Riga P.S. Case No.138 of 2016 for the offence under Sections 47(a) of Excise Act.

It is submitted on behalf of the petitioner that there is no recovery from the possession of the petitioner as well as the petitioner is not named in the F.I.R. and his name transpired only on the basis of confessional statement of the co-accused and the petitioner has remained custody for about two months. It is further submitted that the co-accused, on whose confessional statement, the name of the petitioner has transpired, has already been granted bail by this Court, vide order dated 14.12.2016 passed in Cr. Misc. No.48642 of 2016.



Heard learned A.P.P. also.

Having heard both sides. In view of the fact that the name of the petitioner has transpired only on the basis of confessional statement of the co-accused and nothing has been recovered from the possession of the petitioner as well as the petitioner is in custody for about two months, 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 C.J.M., Sitamarhi in connection with Riga P.S.Case No.138 of 2016.

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 on the event of failure on his part 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.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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