

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22632 of 2017

Arising Out of PS. Case No. -70 Year- 2016 Thana -PRATAPGANJ District- SUPAUL

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Anil Sah, son of Ramashish Sah, Resident of village Simrahi, P.S.
Raghopur, District Araria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party: Mr. Jitendra Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 10-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 14.11.2016 in connection with Pratapganj P.S. Case No. 70 of 2016 for the offences alleged under Section 384 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated and first information report is against unknown persons. Petitioner's name has transpired on the extrajudicial confession of co-accused Gajendra Pandit. The mobile phone in which referred SIM was used belonged to co-accused Jai Prakash Mukhiya, who has already been granted bail by this Court in Cr. Misc. No. 22123 of 2017.

4. Learned APP for the State assisted by learned counsel for the informant appearing suo motu have been heard. A perusal of paragraph 29 of the case diary discloses that both SIM as well as mobile phone belonged to the aforesaid co-accused, Jai Prakash Mukhiya.

5. 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 Sub-Divisional Judicial Magistrate, Birpur at Supaul in connection with Pratapganj P.S. Case No. 70 of 2016 with 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)

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