

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.17356 of 2017**

Arising Out of PS.Case No. -730 Year- 2016 Thana -PHULWARI District- PATNA

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1. Sunil Kumar, S/o Late Bachu Mahto, resident of Village-  
Jalgovindbagh, P.S. Barh, District- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Sri Narendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

4      07-07-2017      Heard the parties.

The petitioner seeks regular bail in connection with Phulwari Sharif P.S.Case NO.730 of 2016 registered for offences punishable under Sections 399 and 402 of the Indian Penal Code.

Allegation, as per F.I.R. is that the offence is made out under Sections 399 & 402 of the Indian Penal Code and allegation is that the police raided the place of occurrence and the petitioner and other accused persons were caught and from the possession of the petitioner, one 'Bhujali' and one Mobile Phone have been recovered.

It is submitted on behalf of the learned counsel for the petitioner that he has been falsely implicated in this case and he has no criminal antecedent. Now the petitioner has remained in custody for more than seven months.

Heard learned A.P.P. also.

Having heard both sides and in view of submission of the



learned counsel for the petitioner, let the petitioner, above named, be enlarged on bail on condition that before releasing the petitioner on bail, the learned court below shall verify submission of the learned counsel for the petitioner that he has no criminal antecedent and after verifying the same he will be released 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 Mrs. Shema Eram, J.M. 1<sup>st</sup> Class, Patna in connection with Phulwari Sharif P.S.Case No.730 of 2016.

With following further 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.
- (iv) In future, if his active participation is found in similar type of cases, his bail bond shall automatically be cancelled.

With the aforesaid observation, this application is allowed.

**(Vinod Kumar Sinha, J)**

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