

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36284 of 2017

Arising Out of PS.Case No. -39 Year- 2016 Thana -CHEWRA District- SEKHPURA

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Saurav Kumar, Son of Sunil Singh aged 20 years, R/o Amber, P.S. Bihar Sharif, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Smt. Suman Kumari Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 16.05.2017 in connection with Chewara P.S. Case No. 39 of 2016 for offences punishable under Section 395 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that some unidentified criminals looted the truck in which pulse (Dal) was loaded which was going from Barh to Satia (Rampur). The miscreants also snatched mobile phone and cash and silver chain.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and just



because he has a criminal antecedent, he has been implicated in the present case from Chewara P.S. Case No. 18 of 2017 in which he was in custody since 01.04.2017. He submits that except the confessional statement of co-accused Birendra Kumar and his own confessional statement before the police, there is no direct or indirect evidence against him. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and as many as three cases are pending against him for similar offences prior to the institution of the present case.

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, 3rd Sheikhpura in connection with Chewara P.S. Case No. 39 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/ court, 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 learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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