

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18455 of 2017

Arising Out of PS.Case No. -13 Year- 2017 Thana -KUNDWACHAINPUR District-
EASTCHAMPARAN(MOTIHARI)

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Sree Narain Sah @ Shiv Narain Prasad S/o- Ramdayali Prasad @ Ram
Dayali Sah, Resident of- Gavandri, Thana- Kundwa Chainpur, District- East
Champan. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma

For the Opposite Party/s : Mr. Smt. Gulnar Begam

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 23-05-2017 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner seeks bail in connection with Kundwa Chainpur P.S. Case No. 13 of 2017 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Sections 30 (a) 37 (b) of Bihar Excise (Amendment) Act, 2016.

Allegedly, the petitioner and co-accused Niranjana Singh fled away after leaving the motorcycle and gunny bag wherein 95 pieces of Nepali Saufi each containing 300 ml. were recovered.

Submission is of false implication and that in the first information report only it is stated that nearby shopkeepers have stated the name of the petitioner but their names have not been disclosed, nothing was recovered from conscious possession of the



petitioner, the motorcycle does not belong to the petitioner and without any fault he is suffering in custody since 14.02.2017 and as such he deserves sympathetic consideration.

Learned APP submits that now considering the period of detention lenient view can be taken.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sikhrana, East Champaran in connection with Kundwa Chainpur P.S. Case No. 13 of 2017, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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