

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24965 of 2017

Arising Out of PS.Case No. -84 Year- 2017 Thana -BATHNAHA District- SITAMARHI

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Manish Kumar, son of Sanjay Mandal @ Sanjay Kumar, resident of
Village- Majhalia, PS.- Bathnaha, District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ritesh Kumar Narain Singh, Adv.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 01-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 21.03.2017 in connection with Bathnaha P.S. Case No. 84 of 2017 for the alleged offences under Sections 414, 412 of the Indian Penal Code and Section 25(1)b/a/26(ii)/35 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated which is evident from the very fact that a complaint has been filed by the Police Officer on the basis of alleged secret information received on 19.03.2017 with regard to one Mahesh Mahto having been stopped by four persons including the petitioner and assaulted with butt of country made pistol and snatching Rs. 2700/- and silver chain from him. It is submitted that no F.I.R. has been instituted at the instance of the alleged victim



Mahesh Mahto and also that the F.I.R. has been instituted belatedly on 20.03.2017 at 6.30 A.M. for the alleged occurrence of the previous day on 19.03.2017 at about 8.15 P.M., which casts serious doubt about the veracity of the accusation. It is further submitted that the petitioner was not accused in any other case prior to institution of the present F.I.R. but subsequently he has been implicated in Bathnaha P.S. Case No. 83 of 2017 which was registered against unknown persons.

4. 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 Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 84 of 2017 on 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 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.



(iv) 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.

(Vikash Jain, J)

Md. Ibrarul/-

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