

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.63414 of 2018

Arising Out of PS. Case No.-17 Year-2018 Thana- GOPALPUR District- West Champaran

Md. Sahim Mian @ Md. Sahim @ Saim Mian Son of Habub Mian Resident
of Village-Mishra Tola, Police Station-Lauriya, Distt.-W.Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Sri Anil Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 26-10-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner, who is in custody, seeks bail in connection
with Gopalpur P.S. Case No. 17 of 2018 registered for the
offences punishable under Sections 279, 337, 338, 304 of the
Indian Penal Code and under Section 3/4 of the Damage of Public
Property Act and under Section 37B of the Bihar Prohibition Act
and Excise.

Allegation against petitioner is that he was driver of
the truck and was in drunken state and the truck ran over two
sons of the informant.

It has been submitted on behalf of the petitioner that
he is innocent and has been falsely implicated in this case. It has
been further submitted that petitioner was not driving the truck,
he was simply sitting beside the driver and he was cleaner.
Driver of the truck namely, Lal Saheb Mahto has been granted
anticipatory bail by this Hon'ble Court as contained in



Annexure-2. He has nothing to do with the running of the truck. It has been further submitted that petitioner was not in drunken state and no liquor has been recovered from his possession.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Bettiah, West Champaran, in connection with Gopalpur P.S. Case No. 17 of 2018 subject to the condition that:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned
- (2) Petitioner shall co-operate in the trial and shall be present on each and every dated fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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