

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39463 of 2018

Arising Out of PS. Case No.-13 Year-2016 Thana- SUIYA District- Banka

Suresh Sah, Son of Bindeshwari Sah, Resident of Village- Bara, P.S.- Belhar,
District- Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr. Chandrasen Prasad Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 06-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
04.12.2017 in connection with Suiya P.S. Case No. 13/2016 for
offences punishable under Sections 395/397 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that, while he along with his family members was going to
attend marriage of his sister, the road was blocked by big stones
and with pistol, gun, rod and lathi, unknown accused persons
took away all the belongings.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the FIR and has been
made accused only on the basis of confessional statement of one



Sonu Barnwal who has already been granted the privilege of bail by this Court in Cr. Misc. No. 26396 of 2017 vide order dated 07.07.2017. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender as two more cases of similar nature are pending against him.

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-I, Banka in connection with Suiya P.S. Case No. 13/2016, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) 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)

Rajesh/Pragya

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