

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70649 of 2018

Arising Out of PS. Case No.-51 Year-2018 Thana- JALALGARH District- Purnia

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1. Sonu Chouhan, S/o Late Anandi Chouhan
 2. Manish Chouhan, S/o Late Binod Chouhan Both Resident of Village-Chouhan Tola, Harchandpur, Jalalgarh, P.S.-Jalalgarh, Distirct-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kumar

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

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 10-12-2018

Heard learned counsel for the parties.

Petitioners seek bail in **Jalalgarh P.S. Case No. 51 of 2018** registered for the offence punishable under Sections 461, 379, 411 of the Indian Penal Code.

Allegation against the petitioners is of committing theft of Monitor, C.P.U and Hard Disk as well as cash of Rs. 5000/- from the shop of the Informant, though they are not named in the FIR. FIR is against unknown.

It has been submitted on behalf of the petitioners that they are innocent and have been implicated in this case on suspicion. Petitioner no. 2 has got no criminal antecedent and is in custody since 16.04.2018. Petitioner no. 1 has got criminal antecedent and is in custody since 12.04.2018.



Considering the aforesaid facts and circumstances of the case, **let the petitioner no. 2 be released on bail** upon furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Sub Divisional Judicial Magistrate-Purnea** in connection with **Jalalgarh P.S. Case No. 51 of 2018**, with following conditions:-

(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 properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(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.

So far as petitioner no. 1 is concerned, considering the fact that he has got criminal antecedent, **he be released on bail after completing 12 months of Jail Custody**, upon furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate-Purnea in connection with Jalalgarh P.S. Case No. 51 of 2018, with following conditions:-

(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 properly represented on each and every date fixed by the



court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(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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