

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26971 of 2018

Arising Out of PS.Case No. -225 Year- 2014 Thana -BHANGWANPUR HAT District- SIWAN

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Rabindra Sharma @ Buchan Sharma Son of Late Jagarnath Sharma,
Resident of Village-Rith, Police Station-Ekma, District-Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 24-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 21.08.2017 in connection with Sessions Trial No. 590 of 2017 arising out of Bhagwanpur Hat P.S. Case No. 225 of 2014 for the offence registered under Sections 399, 402, 414, 34 of the Indian Penal Code and Section 34 of the Explosive Substance Act.

Learned counsel for the petitioner submits that though the petitioner is not named in the first information report, his name has surfaced on the basis of the confessional statement made before the police by the three co-accused persons, which has no evidentiary value. It is further submitted that while the petitioner was in custody in connection with other cases, the petitioner has



been remanded in connection with the present case. It is further submitted that the two co-accused persons, who were arrested from the place of occurrence and were alleged to have committed dacoity, have since been extended the privilege of regular bail in Cr. Misc. No. 14178 of 2015 vide order dated 06.07.2015 and also Cr. Misc. No. 1671 of 2017 vide order dated 07.03.2017. It is further submitted that there is no recovery from the possession of the petitioner neither the petitioner has been placed on T.I. parade in connection with the present case.

Considering the aforesaid facts and circumstances of the case and also the fact that name of the petitioner has surfaced in connection with the present case on the basis of the confessional statement made before the police, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge, Siwan in connection with Sessions Trial No. 590 of 2017 arising out of Bhagwanpur Hat P.S. Case No. 225 of 2014, subject to the following conditions :-

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.



(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail bonds shall be liable to be cancelled by the learned Court concerned.

(4) The petitioner shall co-operate 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.

(Anjana Mishra, J)

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