

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11909 of 2018

Arising Out of PS.Case No. -59 Year- 2016 Thana -KALYANPUR District- EAST CHAMPARAN
(MOTIHARI)

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Kausher @ Kaushal, Son of Tota Bhagat @ Tulsi Bhagat, Resident of
Village- Andhra (Heera Chhapra), Police Station- Kalyanpur, District-
East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vijay Kumar @ Vijay Kr. Singh, Advocate

For the Opposite Party: Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 28-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 06.11.2017 in
connection with Kalayanpur P.S. Case No. 59 of 2016 for the
offences alleged under Sections 363, 366 and 34 of the Indian Penal
Code.

3. It is submitted that the petitioner has been falsely
implicated and is not named in the first information report. His case
stands on better footing than that of the FIR named co-accused
persons, namely, Arbind Kumar @ Arbind Kumar Kushwaha and
Arjun Kumar, who have been granted bail by this Court in Cr. Misc.
No. 47181 of 2016. It is submitted that the petitioner has been
named by the informant in her deposition under Section 164 of the
Cr.P.C. recorded about one month after the alleged occurrence
which itself indicates falsity of accusation so far as petitioner is
concerned. The petitioner claims clean antecedents.

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 Additional Chief Judicial Magistrate, IX, Motihari, in connection with Kalayanpur P.S. Case No. 59 of 2016, 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 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.

(iv) 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.

(Vikash Jain, J)

B.T/Chandran

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