

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60607 of 2018

Arising Out of PS.Case No. -39 Year- 2011 Thana -HARSIDHI District- EASTCHAMPARAN
(MOTIHARI)

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1. Subhash Nat @ Subhash Nut S/o Late Dashai Nat , R/o Vill.- Barwa Areraj, Ward No. 11, P.S.- Govindganj, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary

For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-10-2018 Heard the parties.

The petitioner seeks regular bail in connection with Harsidhi P.S.Case No.39 of 2011 registered for offences punishable under Sections 395, 397, 412 of the Indian Penal Code and Section 3/ 4 of the Explosive Substance Act.

There is allegation that while the informant was sleeping in his *Palani*, 7-8 persons came and caught hold to the informant and looted two cycles, house-hold articles and ornaments.

Submission of the learned counsel for the petitioner is that he is not named in the FIR and later on his name transpired on the confessional statement. He has no criminal antecedent and the other co-accused person have been granted bail by Co-ordinate Benches of this Court, which will appear from Annexure 2, 3 and 4, vide order dated 7.11.2012 passed in Cr. Misc. No.39922 of 2012,



order dated 25.11.2011 passed in Cr. Misc. No.28628 of 2011 and order dated 16.9.2014 passed in Cr. Misc. No.36264 of 2013 and order dated 11.9.2012 passed in Cr. Misc. No.2439 of 2012. The petitioner is in custody since 21.5.2018.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of ACJM-XIV, East Champaran at Motihari in connection with Harsidhi P.S.Case No.39 of 2011.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and in the event of failure to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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