

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8786 of 2018

Arising Out of PS.Case No. -216 Year- 2017 Thana -PIPRAKOTHI
District- EAST CHAMPARAN(MOTIHARI)

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Chandan Prasad, son of Shivpujan Prasad, resident of Village- Godhawa,
Police Station- Muffasil Motihari, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 06-03-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 02.11.2017 in connection with Piprakothi P.S. Case No.216 of 2017 registered for the offence under Sections 392 and 411 of the Indian Penal Code and Section 25(1-b) a, 26, 35 and 27 of the Arms Act.

Learned counsel for the petitioner submits that the present petitioner was taken into custody on mere suspicion and the looted articles purportedly recovered from his possession are actually belonging to him. It is further submitted that though the present petitioner was caught by the villagers, none of the villagers have come forward to state anything, rather only the seizure list witnesses, who are not the local persons, have



signed on the seizure list, which also bears the P.S. case number. Evidently, the seizure list witnesses were outsiders, who had reached after the petitioner was apprehended and, as such, could not give the true picture as they had reached much later.

Diary in the present case was earlier called for, which has since been received.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that part of the money was recovered and a laptop was also recovered and the petitioner has been apprehended after a hot chase. However, diary does not show as to whether any of the villagers have supported the occurrence as made out in the F.I.R.

Considering the entire facts and circumstances of the case and because the looted articles have not been placed on T.I. Parade nor has the petitioner been identified by the informant in the T.I. Parade and that the petitioner is involved in only one another case, in which he has already been granted bail, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Piprakothi P.S. Case No.216 of 2017, 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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