

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.66245 of 2018

Arising Out of PS. Case No.-203 Year-2018 Thana- TURKAULIYA (Banjariya)

District- East Champaran

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Sanjay Kumar S/o Uday Patel @ Uday Raut R/o Village-Chailaha Kothi
(Colony) P.S. Banjariya, Distt.-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hars Anuj, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 21-12-2018

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection
with Turkauliya (Banjariya) P.S. Case No. 203 of 2018 dated
07.04.2018 instituted under Section 379 of the Indian Penal
Code.

3. The allegation against the petitioner, who is not



named in the F.I.R., is that he along with another unknown and two named persons had stolen the motorcycle and bag of the informant.

4. Learned counsel for the petitioner submitted that he has not been named and has no connection with the incident. It was further submitted that there has been no recovery from him.

5. At this juncture, when the Court made a query to him as to why he would be named by the arrested co-accused, no satisfactory explanation came forward. The Court again put a query to learned counsel as to whether the petitioner would be amenable to Test Identification Parade (T.I.P.) to ascertain as to whether he was also one of the four persons, who are said to have snatched away the motorcycle of the informant, learned counsel agreed to the same.

6. Having considered the matter, let the petitioner appear before the Superintendent of Police, East Champaran, at Motihari on 4th January, 2019 in his office at 11:00 A.M. Upon doing so, he shall not be arrested and rather the date, time and place shall be fixed for conducting the T.I.P. when the informant shall also be called for the same. The same would be communicated to the petitioner, who shall then appear on the



date fixed for the T.I.P. If in the T.I.P., the petitioner is not identified by the informant, the petitioner, upon surrendering before the court below within two weeks from the date of the T.I.P. shall be enlarged on bail upon furnishing bail bonds 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 Turkauliya (Banjariya) P.S. Case No. 203 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. In the event, the petitioner is identified, the authorities shall be free to proceed in the matter, in accordance with law, including the petitioner being taken into custody.

8. The application stands disposed off in the



aforementioned terms.

9. Mr. Jharkhandi Upadhyay, learned A.P.P. shall communicate the order to the Superintendent of Police, East Champaran.

(Ahsanuddin Amanullah, J)

Anjani/-

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