

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2590 of 2019

Arising Out of PS. Case No.-355 Year-2018 Thana- SAHEBPUR KAMAL District-
Begusarai

=====

Rajeev Sah, male, age 29 yrs, son of Gautam Sah, resident of village, Bind
Toli, P.S. Sahebpur Kamal District Begusarai Petitioner/s
Versus

The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr.Gautam

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 23-01-2019 As prayed, learned counsel for the petitioner is

permitted to make necessary correction in name of the village.

Heard learned counsel for the parties.

Petitioner seeks bail in Sahebpur Kamal P.S. Case
No.355 of 2018 registered for the offence punishable under
Sections 379 and 411 of the Indian Penal Code.

The prosecution case in short is that one Subodh
Kumar in his written complaint addressed to SHO of Sahebpur
Kamal Police Station has stated that he is posted as security
guard in Airtel Tower situated at Kalyanpur and on the
previous night, miscreants were fleeing away after taking away
DG generator, Starter battery and two container diesel, however,
petitioner was caught on the spot and one miscreant managed to
flee away. However, he became successful in the theft of D.G.
battery.



It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It has further been submitted that in the format of the FIR, the date of occurrence has not been mentioned which itself creates doubts over the genuineness of this case. Petitioner has no criminal antecedent and he is in custody since 02.11.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, V, Begusarai in connection with Sahebpur Kamal P.S. Case No.355 of 2018 , with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

U		T	
---	--	---	--

