

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2129 of 2019

Arising Out of PS. Case No.-249 Year-2017 Thana- CHAKIA District- East Champaran

Ram Pukar Sahani, Pradeep Sahani, Resident of Village- Baida Baishaha,
P.S.- Chakia, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 07-03-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 18.10.2017 in connection with Chakia P.S. Case No. 249 of 2017 for the offence registered under Sections 461,379 of the Indian Penal Code.

Learned counsel for the petitioner submits that only on account of the fact that he has failed to state his criminal antecedent with regard to Chakia P.S. Case No. 256 of 2017, under Sections 399, 402, 414 IPC and under Sections 30 (a), 37(b) of the Bihar Excise Act, 2016. The earlier bail order passed by this court in Cr. Misc. No. 11604 of 2018 vide order dated 27.02.2018 was cancelled as on verification it was found that the petitioner was having a criminal antecedent. This court



in Cr. Misc. No. 30220 of 2018, cancelled the bail order passed earlier on 04.07.2018. So far as the merits of the case is concerned learned counsel for the petitioner submits that he is not named in the FIR and no recovery was made from his possession but only on the basis of the confessional statement made before the police by one co-accused the petitioner came to be facing prosecution. The report submitted by the Trial Court reveals that trial has not yet been concluded.

Having considered the entire facts and circumstances of the case and also the petitioner has already been in custody for more than above one year, 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 CJM, Motihari, in connection with Chakia P.S. Case No.249 of 2017, subject to the following conditions:

- (1) One of the bailors will be his father.
- (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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