

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9599 of 2019

Arising Out of PS. Case No.-539 Year-2018 Thana- AMARPUR District- Banka

SACHIN KUMAR SINGH @ SACHIN KUMAR, Male, aged about 25
years, Son of Badri Narayan Singh @ Badri Narayan, Resident of Village-
Govindpur, P.S.- Amarpur, District- Banka ... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Praveen Kumar, Adv.

For the Opposite Party : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 19-02-2019

Heard the learned counsel for the petitioner and the learned
counsel appearing for the State.

The petitioner is languishing in judicial custody since
05.11.2018 in connection with Amarpur P.S. Case No. 539 of 2018 for
the offence alleged under Section 414/34 of the Indian Penal Code.

The prosecution case, as lodged by the police personnel, is
that on secret information that a person is coming on a stolen
motorcycle, they laid a trap and apprehended one Amrendra Kumar
Sharma @ Appu who confessed the motorcycle was a stolen one and
was given to him by the petitioner who had received the said stolen
motorcycle from one Pandav Choudhary. Accordingly, a seizure list
was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, he was not apprehended with the stolen
motorcycle and his extra judicial confessional statement before the
police is under coercion and has no evidentiary value in the eye of
law. He, further, submits that charge sheet has already been
submitted, there being no allegation of tampering with the



prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and one more case is pending against him although under different offence.

Considering the nature of allegation and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Amarpur P.S. Case No. 539 of 2018 to the satisfaction of Sri Vikash Kumar, Judicial Magistrate, 1st Class, Banka, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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