

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19129 of 2019

Arising Out of PS. Case No.-330 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

ASHISH KUMAR Son of Vijay Singh, Resident of Village-Hakkam, P.S-
Basantpur, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
14.01.2019 in connection with Siwan Muffasil P.S. Case No.
330 of 2018 for offences punishable under Section 392 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was returning home in his motorcycle 4 miscreants
in two motorcycles overtook him and on gun point snatched the
mobile and the motorcycle.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the FIR and it is only
on the basis of confessional statement of co-accused, especially
co-accused Manu Kumar that he has been made accused in the



present case. He further submits that the stolen motorcycle and the mobile has not been recovered from his conscious possession and no T.I. Parade has been done so far.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and three more cases of similar nature are pending against him, although, the petitioner submits that in all the three cases he has not been named in the FIR and has already been granted the privilege of bail.

Considering the nature of allegations and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Siwan Muffasil P.S. Case No. 330 of 2018, subject to the following conditions :

1. 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.
2. Petitioner will appear before the learned court below during trial as and when required and failure to appear



on two consecutive dates without assigning any reason
will entail cancellation of his bail bonds.

3. 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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