

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.78327 of 2018**

Arising Out of PS. Case No.-355 Year-2018 Thana- RUPASPUR District- Patna

Shivnath Prasad Son of Ganesh Lal, Resident of Guljarbagh, Tulsi Mandi,  
Police Station- Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Sri Sanjay Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**

ORAL ORDER

2      24-01-2019                      Heard learned counsel for the parties.

Petitioner seeks bail in **Rupaspur P.S. Case No. 355**  
**of 2018** registered for the offence punishable under Sections 401  
and 414 of the Indian Penal Code.

Informant who is a police officer has stated in his written complaint that on 16.08.2018 at about 10.30 pm when he was on patrolling duty, got an information that some miscreants were assembled to commit grave crime and on said information he along with other police personnel reached the said place and on seeing the police party all the miscreants started to flee away but on chase petitioner was apprehended and on search of petitioner one iron rod and a *Chhura* was recovered from his possession.



It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. He is not named in FIR. No incriminating articles have been recovered from his possession. Name of the petitioner has surfaced in this case only on the basis of confessional statement of co-accused Sonu @ Do Rupiya and except confessional statement there is nothing against the petitioner. He is in custody since 01.09.2018.

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-II, Danapur, District- Patna**, in connection with **Rupaspur 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)**

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