

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25952 of 2019

Arising Out of PS. Case No.-43 Year-2017 Thana- HALSI District- Lakhisarai

SIKANDAR SAW @ SIKWA, aged about 26 of years, Male, S/o Fulo Saw @
Fuleshwar Saw R/o village- Kurhadih, P.S.- Sikandra, District- Jamui
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Umesh Prasad, Adv.
For the Opposite Party : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-05-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
17.11.2018 in connection with Halsi P.S. Case No. 43 of 2017
for the offence alleged under Section 392/34 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that while he was on the way from his house to Lohanda
College, four miscreants, on gun point, snatched away his
motorcycle, mobile and other relevant documents of the
motorcycle.

It has been submitted by the learned counsel for the
petitioner that he is innocent, first information report is against
unknown and he has been falsely implicated in the aforesaid
case on the basis of the confessional statement of the co-



accused. He submits that charge sheet has been submitted, there being no allegation of tampering with the prosecution witnesses/evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the stolen motorcycle has been recovered from the possession of the petitioner and he does not bear a clean antecedent and as many as six cases are pending against him, some of similar nature and some for serious offence.

Considering the nature of offence and that charge sheet has already been submitted, 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 Halsi P.S. Case No. 43 of 2017 to the satisfaction of the learned Judicial Magistrate, 1st Class, Lakhisarai, or the successor Court, 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) 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.

(iii) 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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