

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29735 of 2019

Arising Out of PS. Case No.-46 Year-2018 Thana- PATORI District- Samastipur

Suryavir Das @ Surajbir Das @ Suryavir Kumar, aged about 25 years (Male)
Son of Baliram Das, Resident of village-South Dhamoun, Police Station-
Patori, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Pramod Kumar Singh, Advocate
For the Opposite Party : Mr.J.K. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 31-07-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 302 and 34 of the Indian Penal Code
registered in connection with Patori P.S. Case No. 46 of 2018.

3. It is submitted that the petitioner has been falsely
implicated as he is not named in the FIR. The suspicion has been
raised against co-accused Ram Pukar Roy and Parmanand Roy with
whom there was past enmity in the backdrop of cutting trees by the
said co-accused persons. There is no objective material whatsoever to
connect the petitioner with the alleged occurrence. The petitioner
claims clean antecedents.

4. Learned APP refers to the case diary and submits that the
petitioner and the son of the deceased had brought a stolen motor-
cycle for which the petitioner was made to pay a fine of Rs. 25,000/-.
In this backdrop, the petitioner was involved in the occurrence.

5. Be that as it may, in the event of the petitioner's arrest or
surrender before the court below within six weeks from the date of
communication of this order, let the above named petitioner be



released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Samastipur in connection with Patori P.S. Case No. 46 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate 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.

(Vikash Jain, J)

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