

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40598 of 2019

Arising Out of PS. Case No.-226 Year-2018 Thana- MAHESI District- East Champaran

UMESH SAH Son of Shiv Mangal Sah Resident of Village- Chand Parsha,
P.S.- Keshariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 04-09-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 379, 420, 467, 468, 411 and 120(B) of the Indian Penal Code registered in connection with Mehasi P.S. Case No.226 of 2018/GR No. 4228 of 2018.

3. It is submitted that the petitioner has been falsely implicated and the petitioner's name has surfaced on the extra judicial confessional statement of Rupak Kumar, except which there is no objective material to connect the petitioner with the alleged occurrence. No recovery of any incriminating articles has been made from the conscious possession of the petitioner. The petitioner and the said Rupak Kumar are on litigating terms. The petitioner's case stand on better footing than that of another co-accused Pushpendra Singh who has been granted bail by the learned Court below. The petitioner claims clean antecedents.

4. 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 CJM, East Champaran at Motihari, in connection with Mehasi P.S. Case No.226 of 2018/GR No. 4228 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following 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 co-operate 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.
- iv. 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.

(Vikash Jain, J)

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