

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58567 of 2018

Arising Out of PS. Case No.-82 Year-2018 Thana- HASPURA District- Aurangabad

Santosh Kumar Khatri S/o Chandradeo Lal Khatri, Resident of Village-
Haspura, P.S.- Haspura, District- Aurangabad.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. J.K. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 05-02-2019 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, 147, 149, 341, 323, 307, 379 and 325 of the Indian Penal Code registered in connection with Haspura P.S. Case No. 82 of 2018.

3. It is submitted that the petitioner has been falsely implicated on the allegation of having assaulted the informant's brother and his brother-in-law in the jewelry shop. It is further submitted that the first information report has been instituted belatedly on 02.05.2018 for the alleged occurrence of 01.05.2018 and the present case is nothing but a counter blast of Haspura P.S. Case No. 79 of 2018 in which the owners of jewelry shop have stated that the accused persons had come to rob their shops by the informant's brother and his brother-in-law. Statement is made at the Bar that the petitioner is neighbouring shop keeper and had come in support of the jewelry shop owners who were being robbed. In any event, the accusation is general and omnibus in nature and no specific overt act has been alleged against the petitioner, who 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 Judicial Magistrate, 1st Class, Daudnagar, District Aurnagabad in connection with Haspura P.S. Case No. 82 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. 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.

BT/Chandran

(Vikash Jain, J)

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