

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42188 of 2019**

Arising Out of PS. Case No.-259 Year-2018 Thana- BATHNAHA District-
Sitamarhi

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MD. KASIM, aged about 25 years, male, Son of Haviv Mansuri Resident of
Village - Parsa, P.S.- Sonbarsa, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Uday Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 11-07-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 399, 402, 414 of the Indian Penal Code
and Sections 25(1-b)a, 26, 35 of the Arms Act registered in
connection with Bathnaha P.S. Case No. 259 of 2018.

3. It is submitted that the petitioner has been falsely
implicated merely on the extra judicial confessional statement of
co-accused, except which there is no objective material to
connect the petitioner with the alleged occurrence. No recovery
of incriminating articles has been made from the conscious
possession of the petitioner or from his house. 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 Chief Judicial Magistrate, Sitamarhi



in connection with Bathnaha P.S. Case No. 259 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 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.

(iv) 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.

(Vikash Jain, J)

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