

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67623 of 2018

Arising Out of PS. Case No.-171 Year-2017 Thana- MUZAFFARPUR RAIL P.S. District-
Saran

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Sunil Sah, Son of Late Kameshwar Sah, Resident of Village- Kusi Harpur
Ramni, P.O. Kusi, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Awadhesh Kumar Singh, Advocate
For the Opposite Party : Mr. Rajendra Pd. Nat, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 04-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 401, 420 and 414 of the Indian Penal Code
registered in connection with Muzaffarpur Rail P.S. Case No. 171 of
2017.

3. It is submitted that the petitioner has been falsely
implicated as he is not named in the first information report. The
name of the petitioner transpired from the extrajudicial confession of
the co-accused Md. Naushad @ Nepali, except which there is no
material on record to connect the petitioner with the alleged
occurrence. No recovery of any incriminating articles has been made
from possession of the petitioner. The petitioner claims clean
antecedents.

4. Having regard to the entirety of the facts and
circumstances of the case, 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 (Railway) Sonepur, Saran in connection with Muzaffarpur Rail P.S. Case No. 171 of 2017, 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.

(Vikash Jain, J)

BT/Chandran

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