

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50932 of 2019

Arising Out of PS. Case No.-177 Year-2018 Thana- FULKAHA District- Araria

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Samsher @ Md. Samsher, aged about 45 years (Male) S/o Nurul Haque R/o
Village- Lalpur Bijli Chowk, P.S.- Birpur, District- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Arun, Advocate
For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-08-2019 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 and 411/34 of the Indian Penal Code
registered in connection with Fulkaha P.S. Case No. 177 of 2018.

3. It is submitted that the petitioner has been falsely
implicated merely on suspicion and except the confessional
statements of co-accused Md. Danish, driver of the Pickup van on
which two she-buffaloes are said to have been loaded, there is no
objective material to connect the petitioner with the alleged
occurrence. The case of the petitioner stands on better footing than
that of the aforesaid co-accused Md. Danish, who has been granted
anticipatory bail by a coordinate Bench of this Court vide order dated
16.05.2019 passed in Cr. Misc. No. 29975 of 2019. 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, Araria in connection with Fulkaha P.S. Case No. 177 of 2018, subject to the conditions as laid down under Section 438 (2) of the 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)

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