

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55089 of 2019

Arising Out of PS. Case No.-12 Year-2013 Thana- KHUDWA District- Aurangabad

SHIV SHANKAR DHOBİ @ TYAGIJI @ BABA S/o Karamu Rajak R/o
Village- Pachariya, P.S.- Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh
For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 147, 149, 341, 427, 435, 384
of the Indian Penal Code, Section 27 of the Arms Act and 17 of
the C.L.A. Act.

The prosecution case, as lodged is that some unknown
criminals burnt the JCB machine etc. of M/s R.K. Construction
and Company, which was engaged in construction of road and
fled away making slogans of *Lal Salam Zindabad and Bhakpa*
Maovadi Jindabad.

Learned counsel for the petitioner submits that the



petitioner is not named in the F.I.R. and it is only on the basis of confessional statement of co-accused that the petitioner has been made accused which has no evidentiary value in the eye of law. It is further submitted that the similarly co-accused has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 10691 of 2017 dated 29.03.2017.

In the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Khudawan Police Station Case No. 12 of 2013, subject to the conditions that:

(I) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(II) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and her absence on two consecutive dates without sufficient reasons, her bail bond shall be cancelled by the court below.

(III) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioner.

(Anjani Kumar Sharan, J)

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