

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8017 of 2019

Arising Out of PS. Case No.-97 Year-2018 Thana- ALAMGANJ District- Patna

Shiv Samrat S/o Sunil Kumar Agrhari, resident of village-Ranisaray, P.S-
Bakhtiyarpur, district Patna ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Rajiva Ranjan, Adv.
For the Opposite Party : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-02-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
10.07.2018 in connection with Alamganj P.S. Case No. 97 of
2018 for the offence alleged under Section 379 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that while he had gone to the Nalanda Medical College and
Hospital, being a student of Master of Surgery of Orthopedic,
and parked his brother's motorcycle near the Nalanda Medical
College and Hospital Emergency Ward, after returning he found
his motorcycle missing.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the first information
report and has been falsely implicated in the aforesaid case. He



submits that extra judicial confession before the police has no evidentiary value in the eye of law and that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witness. It has also been submitted that since the petitioner is languishing in judicial custody since more than seven months, a sympathetic consideration be given.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and as many as four cases are pending against him of similar allegations.

Considering the facts and circumstances and the materials on record, 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 in connection with Alamganj P.S. Case No. 97 of 2018 to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna City, Patna, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on



two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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