

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67476 of 2018

Arising Out of PS. Case No.-629 Year-2016 Thana- MOTIHARI TOWN
District- East Champaran

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Sumit Kumar Chaubey @ Fuddi Son of Late Naresh Chaubey, Resident of
Mohalla-Chandmari, Ward No.25, P.S. Motihari Town, Distt.-East
Champaran

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Binay Kant Mani Tripathi, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 29-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 147, 148, 149, 323, 406, 420, 417, 465,
467, 468, 413, 471, 384, 504/34 and 120B of the Indian Penal
Code registered in connection with Motihari Town P.S. Case No.
629 of 2016, G.R. No. 5038 of 2016.

3. It is submitted that the petitioner has been falsely
implicated and there is no objective material to support the
accusation that the informant had paid an aggregate amount of
Rs. 2,90,000/- to the petitioner and Rs. 20,000/- to co-accused
Sheo Pujan Sharma. In any event, the informant's claim of having
paid the said amount to the petitioner was for illegal object
incapable of performance. The petitioner is on bail in respect of
one prior case in which he is made accused.

4. Be that as it may, 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 Chief Judicial Magistrate, Motihari, East Champaran, in connection with Motihari Town P.S. Case No. 629 of 2016, G.R. No. 5038 of 2016, 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) 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) 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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