

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63857 of 2019**

Arising Out of PS. Case No.-6 Year-2019 Thana- SRINAGAR District- West
Champanan

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SANDEEP KUMAR Son of Shambhu Chaudhary Resident of Village -
Bagahi Nimiya Tola, P.S.- Bairiya, Distt.- West Champanan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Brij Kishor Mishra, Advocate.

For the Opposite Party: Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 09.02.2019 in connection with Shrinagar (Pujaha) P.S. Case No. 06 of 2019 for the offences alleged under Sections 379, 411, 401, 414/34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated on mere suspicion and under the mistaken impression that he along with co-accused Munna Kumar were motorcycle thieves. As such they were assaulted by the villagers leading to the death of Munna Kumar in which the petitioner was also implicated as one of the accused persons. From the seizure list, it is evident that no recovery has been made from the conscious possession of the petitioner as the motorcycle in question was recovered from a sugarcane field. The petitioner has already suffered more than ten months in custody. Except the case relating to death of co-accused Munna Kumar aforesaid, the petitioner claims clean antecedent.



4. Be that as it may, let the petitioner above named 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 Shri A. Kumar, learned Judicial Magistrate 1st Class, Bettiah, District- West Champaran, in connection with Shrinagar (Pujaha) P.S. Case No. 06 of 2019, on the following 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 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) 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.

(Vikash Jain, J)

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