

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76830 of 2019

Arising Out of PS. Case No.-39 Year-2019 Thana- BAKHTIARPUR District- Saharsa

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Santosh Kumar Sharma @ Santosh Sharma Son of Chandeshwari Sharma
Resident of Village - Kemedan Tola, Ward No. 2 Saraunja, P.S.- Sitanabad,
District – Saharsa. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-02-2020 Heard learned counsel for the parties.

Petitioner apprehends his arrest in a case registered for the offence punishable under section 392 of the Indian Penal Code.

The prosecution case, in brief, is that on 31.01.2019 at about 01:00 PM, the informant while returning from collection, two miscreants on motorcycle stopped him and looted the collected amount of Rs. 1,87,470/- on the point of gun and fled away.

It has been submitted that the petitioner has falsely been implicated in this case. The petitioner is not named in the FIR, the name of the petitioner transpires on the basis of confessional statement of co-accused, namely, Bhawesh Kumar. He has further submitted that the sister of the co-accused, Bhawesh Kumar, has filed a case bearing Saharsa P.S. Case No.



260 of 2013 for offence under Section 498 of the I.P.C, in which co-accused is witness of the case and due to oblique motive the name of the petitioner has been taken. He has further submitted that nothing has been recovered from possession of the petitioner and he has no concern with the alleged offence.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of his arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Bakhtiyarpur P.S. Case No. 39 of 2019, on the following conditions:-

(1) 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 the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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