

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50691 of 2021

Arising Out of PS. Case No.-23 Year-2020 Thana- CHAINPUR District- Kaimur (Bhabua)

SALMAN KHAN Son of Gunjan Khan Resident of Village - Jangiganj, P.S.-
Gopiganj, District - Bhadohi (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 29-03-2022

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 413, 414, 420, 467, 468, 471, 401, 120B and 34 of the Indian Penal Code and section 37(i) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, the petitioner was caught along with the stolen vehicle.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 21.10.2020 (Annexure 1) passed in Cr. Misc. no. 25224 of 2020. The petitioner is in custody since 23.1.2020 and undertakes to cooperate in the case/trial.

The application for bail is opposed by learned APP for the State who submits that the petitioner is a resident of Uttar Pradesh and once he is enlarged on bail he will not cooperate in the trial.

Having heard learned counsel for the parties and taking into consideration the facts of the case especially the



petitioner having remained in custody for more than 2 years, the Court directs the petitioner to be enlarged on bail in connection with Chainpur P.S. Case no. 23 of 2020 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 Addl. Sessions Judge 5th -cum-Special Judge, Excise, Rohtas at Sasaram subject to the following conditions :

(i) One of the bailers of the petitioner shall be a close relative of the petitioner.

(ii) The other bailor of the petitioner shall be resident of a place within the jurisdiction of the learned trial Court.

(iii) The petitioner shall cooperate in the case/trial and shall remain properly represented on each date.

In case of violation of any of the conditions laid down above or in case the petitioner is not cooperating in the trial, the learned Trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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