

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61451 of 2022

Arising Out of PS. Case No.-269 Year-2021 Thana- BAJPATTI District- Sitamarhi

SIDDHU @ SIDHARTH, S/O Late Tarun Kumar, R/O Village- Shivai Patti,
Ward No- 8, P.S- Bajpatti, District- Sitamarhi, at present residing at Krishna
Nagar, Ward No-2, P.S and Dsitritct Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-02-2023 Heard learned counsel for the petitioner and learned APP for
the State.

This Court would expect that the petitioner's counsel would
honour his undertaking in the instant proceedings regarding supply of
requisite court fee etc. within two weeks from the date he is called
upon to do so by the office.

Petitioner seeks bail in connection with Bajpatti P.S. Case No.
269 of 2021 registered under Section 394 of the Indian Penal Code.

The informant has been accosted when he was on his
motorcycle. The allegation is that four persons on a motorcycle have
snatched his motorcycle and belongings and also stabbed him on
offering resistance.

Learned counsel for the petitioner submits that petitioner's
implication in this case, like *Bajpatti P.S. Case No. 277/2021* and
Sursand P.S. Case No. 11/2021, is at the instance of *chowkidar*, who
is a family member of the petitioner's wife. The petitioner was
having a matrimonial dispute with his wife which form the basis of
Sitamarhi P.S. Case No. 482 of 2022. The submission is that till date



he has not been put on T.I. Parade. There is no recovery of any incriminating material from the petitioner and nearly 10 months after the alleged occurrence, he has been arrested from his house which shows *bona fide* of the petitioner. The submission is that chargesheet has been submitted and investigation is complete. Petitioner is in custody since 30.07.2022.

Considering the rival submissions, the fact that there is no T.I Parade or recovery, and period of custody, this Court is inclined to allow the petitioner's prayer for bail.

Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri at Sitamarhi in Bajpatti P.S. Case No. 269 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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