

Bikki Singh Vs. the State of Bihar

Bikki Singh Vs. the State of Bihar

SooperKanoon Citation : sooperkanoon.com/975501

Court : Patna

Decided On : May-25-2012

Appellant : Bikki Singh

Respondent : The State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous
No.38495 of 2011

===== Bharath
Singh, son of late Basistha Singh, resident of Village- Sahunka, P.S. Ramgarh,
District- Kaimur. Petitioner/s Versus The State of Bihar Opposite
Party/s =====

With Criminal Miscellaneous No.138 of 2012

===== Bikki
Singh, S/O Harender Singh, resident of Village- Samardah, P.S.- Bihiya, District-
Bhojpur. Petitioner/s Versus The State of Bihar Opposite Party/s

===== With
Criminal Miscellaneous No.1003 of 2012

===== Kariya @
Udhari, Son of Shri Dadan Ram, resident of Village - Kosiya, Police Station,
Chauri, in the District of Bhojpur. Petitioner/s Versus The State of Bihar
.... Opposite Party/s

===== Appearance : (In Cr.Misc. No.38495 of 2011) For the Petitioner/s : Mr. Akhileshwar

Pd. Singh, Sr. Advocate For the Opposite Party/s : Mr. Atul Chandra, APP (In Cr.Misc. No.138 of 2012) For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate For the Opposite Party/s : Ms. Pushpa Sinha, APP (In Cr.Misc. No.1003 of 2012) For the Petitioner/s : Mr. Akhileshwar Pd. Singh, Sr. Advocate For the Opposite Party/s : Mr. R.C. Sohani, APP

===== CORAM:
HONOURABLE MR. JUSTICE JYOTI SARAN ORAL ORDER (Per:
HONOURABLE MR. JUSTICE JYOTI SARAN

25. 01-2012 Heard the parties. The petitioners of all the three applications are in custody in connection with Koilwar P.S. Case No.146 of 2011 for an offence Patna High Court Cr.Misc. No.38495 of 2011 (3) dt.25-01-2012 2 punishable under section 395 of the Indian Penal Code. The allegation against all these petitioners is of high-way dacoity in which the informant was relieved of his truck. Whereas the petitioner Bharat Singh is alleged to be driving the stolen truck but escaped on seeing the police and his name was given by co-accused Babloo Singh, the other petitioners, namely, Bikki Singh and Kariya @ Udhari are said to be associated in the crime. Taking into consideration the submission of learned counsel that for the alleged offence all the petitioners having clean antecedents have remained in custody since 1.10.2011, 5.11.2011 and 28.9.2011 respectively, let the petitioners, namely, Bharat Singh, Bikki Singh and Kariya @ Udhari be released on bail upon each of them individually furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Arrah in connection with Koilwar P.S. Case No.146 of 2011 (G.R. No.3043 of 2011); subject to the following conditions: (a) A close relative of the respective petitioners would stand as one of the bailors and who shall file an affidavit indicating his relationship with the respective petitioner; (b) The said bailor(s) shall be under a duty to inform the court below in case the respective petitioner(s) after his/their release in the present case is/are found involved in any further case of similar nature and whereupon the court concerned shall be at liberty to cancel his/their bail bonds and to take him/them into custody. Patna High Court Cr.Misc. No.38495 of 2011 (3) dt.25-01-2012 3 (c) The court below before ordering the release of the petitioners shall verify the statement made by the respective petitioners before this court about having clean antecedent

and if the statement of either of the petitioners is found to be incorrect the defaulting petitioner(s) shall not be released. (d) The petitioners shall accept the police papers on the given date and shall present themselves on the date fixed for charge and if they are found absent on two consecutive dates fixed for such purpose, the court concerned shall be at liberty to cancel the bail bonds of the defaulting petitioner(s) and to take him/them into custody on grounds of misuse. (e) The petitioners shall ensure their representation before the court below on each and every date fixed in the trial and failure on the part of any of the petitioner to ensure his/their representation on two consecutive dates fixed in the case, without reasonable explanation to the satisfaction of the court below, would entitle the court concerned to cancel the bail bonds of defaulting petitioner(s) and to take him/them into custody. (Jyoti Saran, J.) SKPathak/-

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com