

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51596 of 2014

Arising Out of PS.Case No. -121 Year- 2014 Thana -BARURAJ District- MUZAFFARPUR

===== Mukesh Rai @ Abhishek Kumar, son of Sri Ram Kaleshwar Rai, resident of village Paraiya P.S. Kudhani, Distt. Muzaffarpur. =====

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

===== **Appearance :** =====

For the Petitioner/s : Ms. Usha Kumari Singh, Adv.

For the State : Mr. Gajendra Pd.Yadav, APP

===== **CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**
ORAL ORDER =====

2 05-01-2015 Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in a case instituted for the offence under Sections 392/34 of the Indian Penal Code and Section 27 of the Arms Act.

Considering that the Petitioner's name transpired in the confessional statement of the co-accused and thereafter, there is no further material against him as also he has fair antecedent, let the Petitioner above named, be released on bail on furnishing bail bond of Rs.5,000/- (Five thousand) with two sureties of the like amount each or any other surety to be fixed by the Court below to the satisfaction of Sri V.K. Chaubey, Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Baruraj P.S. Case No. 121 of 2014 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 and the other shall be the elder brother of the Petitioner namely, Shankar Rai. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner. (ii) That the affidavit shall clearly state that the Petitioner is not an accused in any other case and if he is, he shall not be released on bail. (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the Petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse. (iv) That the Petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse. (v) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

S.Ali/-

(Anjana Prakash, J)

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