

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30503 of 2014

Arising Out of PS.Case No. -167 Year- 2013 Thana -MAHUA District- VAISHALI(HAJIPUR)

Raj Kumar Singh @ Raju Singh Son of Baliram Singh Resident of Village-
Koela Mohan, P.S. Bhagwanpur, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate.

For the Opposite Party/s: Mr. Manoj Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

5 03-09-2015 Since this application has been restored today by
passing a separate order in Cr. Misc. No. 39361 of 2015, this
Court has also heard the learned counsel for the parties on merits.

The petitioner is apprehending arrest in connection
with allegations for offence under Sections 364 and 365 of the
Indian Penal Code.

Learned counsel for the petitioner has submitted that
the petitioner has no connection with the offence in question in
which the husband of the informant is said to be kidnapped/killed.

In this regard, learned counsel for the petitioner has
referred to the owner book of the insurance company and other
related documents to show that the owner of the truck, in question,
named in the FIR is one Alok Kumar and that Alok Kumar
himself had given information to the police leading to institution

of Basista P.S. Case No. 994/97/2013 at Shillong in the State of Meghalaya stating that his truck, in question, alongwith Shankar Rai, husband of the informant, having gone to Shillong with a consignment, was still missing.

In view of the above, this Court, for the time being, till examination of Alok Kumar by the police in connection with present case, would find the petitioner entitled for grant of privilege of anticipatory bail.

That being so, if the petitioner surrenders before the court below within a period of four weeks from today, he shall be granted provisional bail for a period of four months on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S.Case No. 167 of 2013; subject to the following conditions:

- (i) That the petitioner, after being granted provisional bail, shall also appear before the Officer-in-Charge/Investigating Officer of Mahua Police Station and the police, after making necessary interrogation from him as also conducting further investigation, will submit its report to the court below within a period of three



months from the date of appearance of the petitioner before the police, clarifying as to whether any material could be collected against the petitioner so as to give support to the version of the informant as well as to the statement of Jailal Rai, Jagarnath Kumar, Muniya Devi and Vijay Mahto, all of them had categorically stated that the petitioner was utilizing the service of the husband of the informant as a driver.

- (ii) The investigation in this case by the police of Mahua Police Station must be completed only after examining Alok Kumar as well as making verification of his claim in the F.I.R. filed by him at Basista Police Station at Shillong in the State of Meghalaya.
- (iii) The Mahua Police Station shall also make necessary verification from Basista Police Station, Shillong in the State of Meghalaya and would zero its conclusion only examining the aspect as to whether Alok Kumar was only the name lender owner of the truck named in the F.I.R. on paper or whether the petitioner was also

operating any other truck.

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- (iv) The Police at Mahua shall also investigate the role of the petitioner in the light of the statement of as many as five persons asserting that the petitioner alone was utilizing the services of the husband of the informant as a driver of his truck.
- (v) If the court below would find from the report of the police that there are materials to connect the petitioner in the offence alleged in the present case, the provisional bail granted to the petitioner shall not be extended beyond the period of four months, but on the other hand, if in the report of the police of Mahua Police Station, no incriminating material is found to connect the petitioner, his provisional bail shall be confirmed.
- (vi) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.



- (vii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
- (viii) That the bailors shall also state on affidavit that they 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 his bail on the ground of misuse.
- (ix) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

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