

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7810 of 2017

Arising Out of PS.Case No. -746 Year- 2016 Thana -AHIAPUR District- MUZAFFARPUR

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1. Rahul Kumar, Son of Suresh Rai, Resident of Village- Phulwariya, P.S.-
Mahua, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha
Mr. Dhananjay Singh

For the Opposite Party/s : Mr. Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 22-02-2017 Heard the parties.

This application has been filed in connection with Ahiyapur
P.S.Case No.746 of 2016 for the offence under Sections 379, 406,
402 and 411 of the Indian Penal Code.

It is submitted on behalf of the petitioner that the petitioner
has been arrested in the present case but he is not named in the
F.I.R. and his name transpired only on the basis of confessional
statement of the accused persons and some clothes were recovered
from the house of the petitioner but the petitioner is Shop-keeper
and the aforesaid seized articles were not paced for the T.I.P. for
identification and the petitioner is in custody for about two
months. The charge-sheet has also been submitted. Further the
petitioner has clean antecedent.

Heard learned A.P.P. also, who has not controverted the fact



that the articles were not placed for T.I.P.

Having heard both sides. In view of the fact that the alleged seized articles has not been placed for T.I.P. along with the fact that the petitioner has clean antecedent and the he is a cloth shop-keeper as also he has remained in custody for about two months, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Muzaffarpur in connection with Ahiyapur P.S.Case No.746 of 2016.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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