

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5802 of 2017

Arising Out of PS.Case No. -38 Year- 2008 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

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Abhay Rai @ Abhay Yadav, son of Benilal Rai, resident of Village- Jitaura,
P.S. Madhuban, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Chaubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-02-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with Pipra
P.S.Case No. 38 of 2008 registered for the offences punishable
under Sections 395 and 397 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that
petitioner is not named in the FIR but later on his name has
transpired on the basis of confessional statement of co-accused
and petitioner has remained in custody for about five months. It
has further been submitted that petitioner has been named in two
other cases also but in both these cases he is on bail.

Heard learned APP also.

Having heard both sides and considering the fact that
petitioner's name has come on the basis of confessional statement
of co-accused and he has remained in custody for five months, let
the petitioner, above named, be released on bail on furnishing bail
bond of Rs.25,000/- (Rupees twenty five thousand) with two



sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran, Motihari, in connection with Pipra P.S.Case No. 38 of 2008, subject to the conditions that :-

(i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.

(ii) The petitioner will not induce any witness or tamper with the evidence.

(iii) The petitioner shall cooperate 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 reason, the prosecution is free to move the cancellation of his bail.

(iv) If the petitioner is indulged in such type of cases in future, the prosecution will be at liberty to move cancellation of his bail.

(Vinod Kumar Sinha, J)

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