

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5813 of 2017

Arising Out of PS.Case No. -37 Year- 2016 Thana -BIND District- NALANDA (BIHARSHARIFF)

Rahul Kewat @ Ravi, S/o Lalbabu Kewat@ Bechan Kewat, resident of
Village- Malahi Pakari, P.S.- Kankarbagh, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Satya Prakash, Advocate.

For the Opposite Party : Mr. Sri Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 15-03-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 03.03.2016
in connection with Bind P.S. Case No. 37 of 2016 for the offences
instituted under Section 414 of the IPC.

The prosecution story, in brief, is that the stolen
motorcycle was recovered from conscious possession of the
petitioner.

Earlier the bail application of the petitioner was rejected
vide Cr. Misc. No. 20896 of 2016 with an observation “for the
present”.

A report was called for from the court below regarding
the stage of the case. It has been reported that not a single witness
could be examined till date as the accused have not been produced



from the jail. An explanation has also been called for from the Jail Superintendent for non-production of the accused.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 03.03.2016 and the charges have already been framed. The petitioner had no knowledge that the recovered article happens to be a stolen property. There is no compliance of Section 100 Cr. P.C. There is no allegation of tampering of the witnesses alleged against the petitioner. The other co-accused has been granted bail by this Court vide Cr. Misc. No. 1452 of 2017.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nalanda at Bihar Sharif in connection with Bind P.S. Case No. 37 of 2016.

The petitioner shall co-operate during the trial. If the petitioner remains absent himself on two consecutive dates, the court below shall be at liberty to cancel the bail bond of the petitioner.

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(Sudhir Singh, J)

