IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27514 of 2017

Arising Out of PS.Case No. -247 Year- 2016 Thana -HAJIPUR SADAR District- VAISHALI(HAJIPUR)

==========

Lal Babu Rai Son of Jagdish Rai Resident of Village- Basant Kharawna, P.S. Kudhani, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar

... . Opposite Party

==========

Appearance :
For the Petitioner/s : Mr. Nachiketa Jha, Advocate
For the Opposite Party/s : Mr. Kumar Virendra Narayan, APP

==========

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 01-07-2017 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner, in the present case, is seeking regular bail in connection with Sadar (Hazipur) P.S. Case No. 247/2016 registered for the offence punishable under Sections 392/411 of the Indian Penal Code.

Learned counsel for the petitioner submits that from the First Information Report it would appear that four persons allegedly came out of the Bolero vehicle and after tying up the hands and legs of the informant all of them took away the vehicle loaded with the iron rods. Learned counsel has drawn my attention towards the statement made in the fardbeyan where the

WEB COPY

petitioner, on his arrest while driving the tractor, has disclosed the name of other persons and stated that he was a driver and had been engaged by them. Submission is that petitioner is in custody since 14.07.2016, charge-sheet has already been submitted against him and at this stage the petitioner is ready and willing to undertake that he would cooperate in course of trial and with all such other conditions and directions which may be imposed upon him for the grant of bail.

Learned Additional Public Prosecutor opposes the prayer for bail of the petitioner and submitted that the materials loaded on the tractor was all high-worth. He also submits that the petitioner is an accused in another case being Kurhani P.S. Case No. 88/2014.

Learned counsel for the petitioner, however submits that the petitioner has been on bail in the said case and save and except that there is no other case against the petitioner. From perusal of the First Information Report it appears that the vehicle in question has been recovered when the petitioner was driving the vehicle with the materials, however, considering the fact

WEB COPY

that the petitioner is in custody since 14.07.2016 i.e. almost one year by now, I am inclined to grant regular bail to the petitioner. Let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali, in connection with Sadar (Hazipur) P.S. Case No. 247/2016, subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure, which reads as follows:

> **"437(3).** When a person accused or suspected of the commission of an offence punishable with imprisonment which may extend to seven years or more or of an offence under Chapter VI, Chapter XVI or Chapter XVII or the Indian Penal Code (45 of 1980) or abetment of, or conspiracy or attempt to commit, any such offence, is released on bail under sub-section (1), [the Court shall impose the conditions, -
> (a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,
> (b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and
> (c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case

WEB COPY

> so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence, and may also impose, in the interests of justice, such other conditions as it considers necessary.]"

The petitioner shall regularly appear in course of trial and two regular defaults in appearance will result in cancellation of his bail bond by the court below.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

U		T	

WEB COPY