

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18163 of 2017

Arising Out of PS.Case No. -128 Year- 2016 Thana -AURAI District- MUZAFFARPUR

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1. Rakesh Kumar Jha Son of Devendra Jha Residentg of Village Kumhra
Bishanpur, P.S. Dumra, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Kumar Singh

For the Opposite Party/s : Mr. Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 21-04-2017 Heard the parties.

The petitioner seeks regular bail in connection with Aurai
P.S.Case No.128 of 2016, registered for offences punishable
under Sections 399/402 of the Indian Penal Code and Section 25
(1-A), 25 (1-AA), 25 (1-AAA), 26(II), 27(2) and 35 of the Arms
Act.

The petitioner is not named in the F.I.R. and later on during
the course of investigation, his name transpired.

It is submitted on behalf of the petitioner that except the
confessional statement, there is nothing against the petitioner and
he has remained in custody for about six months. With respect to
criminal antecedent of the petitioner is concerned, it has been
submitted that he is named in six other cases also.

Heard learned A.P.P. also, who has opposed the prayer for



bail, stating that the petitioner has criminal antecedent.

Having heard both sides and no doubt the petitioner has criminal antecedent and he is accused in six other cases, but considering the fact that he has been made accused in this case on the basis of confessional statement and he has remained in custody for more than six 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 Sri Sunil Kumar Tripathi, J.M. Ist class, Muzaffarpur in connection with Aurai P.S.Case No.128 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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