

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24631 of 2017

Arising Out of PS.Case No. -425 Year- 2016 Thana -NARPATGANJ District- ARRARIA

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Lal Mohan Rai Son of Late Deep Lal Rai Resident of Village – Lakshmipur
Pakari, Police Station - Lakhaur O.P., District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Murari Sharan Tiwari, Adv.

For the Opposite Party/s : Mr. Sri S.M. Rahman-A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 06-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
16.12.2016 in connection with Narpatganj P.S. Case No. 425 of
2016, G.R. No. 4144 of 2016 for offences punishable under
Sections 420, 467, 468, 471 and 419 of the Indian Penal Code.

The prosecution case, as lodged by the police
personnel, is that a phone call was received that some ornaments
and cash of a relative of the I.G. Darbhanga has been stolen in
Delhi by some accused persons named in the F.I.R. and a mobile
number was also given. The informant along with other police
personnel trapped the accused for sale of gold and the accused has



demanded Rs. 20000/- as advance for the gold. The police personnel apprehended the petitioner and from the possession of the petitioner some Adhar Cards and driving licence in the different names and cash have been recovered.

It has been submitted by the learned counsel for the petitioner that he is innocent, was on the road and has been taken into custody by the police. He submits that the seizure list has not been prepared in accordance with Section 100 Cr. P.C. and that the petitioner is languishing in judicial custody for nearly nine months. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the persecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner had admitted that he was involved in the same offence earlier and as many as three cases are pending against him.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-6th, Araria in connection with



Narpatganj P.S. Case No. 425 of 2016, G.R. No. 4144 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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