

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29172 of 2017

Arising Out of PS.Case No. -326 Year- 2015 Thana -MAHUA District- VAISHALI(HAJIPUR)

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1. Raju Kumar S/o Mahesh Singh resident of Village- Banghara, P.S.-
Rajapakar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh

For the Opposite Party/s : Mr. Anish Chandra

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Mahua P.S.
Case No. 326/2015 for offences punishable under Section 392 of
the Indian Penal Code, although charge-sheet has been submitted
under Sections 395, 412 of the Indian Penal Code.

The prosecution case, as lodged by the driver of pick-up
van, is that while he has loaded his pick-up van with Berger paint
worth Rs. 70,000/- and was on his way to Patna 3-4 unknown
persons on a Sarari vehicle intercepted and looted away the pick-
up van with goods.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the First Information Report and just because he has a criminal antecedent he has been made accused, although he is in custody in another case since 02.07.2015, he has been remanded in the present case on 24.06.2016 only on the basis of suspicion. He submits that nothing has been recovered from his conscious possession and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and as many as four cases are pending against him for similar offence.

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 Addl. Chief Judicial Magistrate-VII, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 326/2015, 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)

Rajesh/-

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