

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52830 of 2017

Arising Out of PS.Case No. -81 Year- 2017 Thana -SHANKARPUR District- MADHEPURA

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Lalu Kumar son of Arbind Yadav Resident of village Sundarpatti P.S.
Madhepura (Bharrahi OP) Dist. Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda, Advocate

For the Opposite Party/s : Mr. Sri Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-11-2017

Heard learned counsel for the petitioner and learned

APP for the State.

This is a case registered under Section 394 of the
Indian Penal Code.

Counsel for the petitioner submits that though the
allegation relates to looting of a motorcycle but the said motor
cycle has been recovered from the co-accused Amar Kumar
Sharma and on the basis of confessional statement made by the
said Amar Kumar Sharma, the petitioner has falsely been
implicated in this case. He further submits that prior to the instant
case the petitioner has no criminal antecedent and he is in jail
custody since 27.06.2017.

In the facts and circumstances of the case, prayer for
bail of the petitioner is allowed. Let the petitioner above named be



released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate 1st, Madhepura in Shankarpur P.S. Case No. 81 of 2017 subject to the conditions :

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner.
- (ii) That the affidavit shall clearly state that the Petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the Petitioner is implicated in any other case of similar nature after his release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.
- (iv) That the Petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner,



his bail will be liable to be cancelled for reasons of misuse.

- (v) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash/-

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