

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46066 of 2017

Arising Out of PS.Case No. -412 Year- 2017 Thana -PHULWARI District- PATNA

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1. Janaindra Kumar @ Gyanendra Kumar @ Chhotu, Son of Rajkishore Prasad, Resident of Village- Nisarpura, P.S.- Naubatpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Pranav Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 30-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Phulwarisharif
P.S. Case No. 412/2017 for offences punishable under Sections
379/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he is engaged in work of transport and packers and movers.
He had taken the petitioner as driver for his pick-up vehicle and on
the way while returning he went for natural call, the petitioner
took away his pick-up vehicle and everyday assured to return, but
did not return, hence, First Information Report has been lodged
after delay of nearly 11 days.



It has been submitted by the learned counsel for the petitioner that he is innocent, no overt act has been committed by him, he is a mechanic in a garage shop and there was some altercation between the petitioner and the informant, for which out of being on inimical terms, the petitioner has been made accused. He submits that there is unexplainable delay for lodging the First Information Report, charge-sheet has already been submitted, he is languishing in custody since 24.06.2017 and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel appearing for the informant and learned APP for the State vehemently oppose the prayer for bail stating therein that petitioner has taken away the pick-up vehicle of the informant, one of the witness has seen the said occurrence and that the vehicle has not yet been recovered.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of six months in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna, in connection with Phulwarisharif P.S. Case No.412/17, subject to the conditions that :



- (i) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (ii) 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.
- (iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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