

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39032 of 2017

Arising Out of PS.Case No. -107 Year- 2015 Thana -BEUR District- PATNA

=====

Rakesh Kumar Sinha, Son of Late Sukeshwar Prasad Sinha, Resident of
Village- Hal Saheb Ki Kothi, Chandwara, Soda Godown, P.S.- Town,
Muzaffarpur, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
For the Opposite Party/s : Mr. Smt. Asha Devi, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 19-08-2017

Heard learned counsel for the petitioner and learned

APP for the State.

This is a case registered under Section 364 of the
Indian Penal Code.

Counsel for the petitioner submits that he is not
named in the FIR and on the basis of statement of co-accused
Shyam Rai, he has falsely been implicated in this case. He further
submits that nothing has been recovered from his possession and
till date he has not been put on 'Test Identification Parade' and
that prior to the instant case he has no criminal history. The
petitioner is in custody since 26.02.2017. He also submits that the
said co-accused Shyam Rai, has already been granted bail vide
order dated 25.01.2016 passed in Cr. Misc. No. 48158 of 2015.



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 Sessions Judge 9th, Patna in Beur P.S. Case No. 107 of 2015 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/-

U		T	
---	--	---	--

