

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38965 of 2018

Arising Out of PS. Case No.-244 Year-2017 Thana- TAJPUR District- Samastipur

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Vinay Kumar Rai S/o Hari Kant Rai, R/o Vill.- Hettanpur Dhamoun, P.S.-
Patori District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Tajpur
(Halai O.P.) P.S. Case No. 244 of 2017 for offences punishable
under Section 394 of the Indian Penal Code. Subsequently,
Section 411 of the I.P.C. was also added.

The prosecution case, as lodged by the driver of a
Bolero pickup van, is that while he was on the way with 150
LCD TV in his pickup van, four miscreants stopped, took away
the pickup van and left him beside the road, but on information
to the owner Mukesh Kumar and with the intervention of the
police the pickup van with LCD TV was recovered and five of
them were found missing.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the F.I.R. and his name surfaced on the confessional statement of co-accused Raushan Kumar from whose possession some of the stolen items were recovered. He submits that nothing has been recovered from his possession, no T.I. Parade has been done so far and the petitioner is languishing in judicial custody since 09.04.2018.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as three cases, one under similar sections, are pending against him.

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 Addl. Chief Judicial Magistrate-1st, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 244 of 2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the



petitioner.

- (ii) 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/Pragya

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