

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45862 of 2018

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Devendra Kumar, S/o Paltu Rai, R/o Vill.- Amaitha, P.S.- Saraiya (Jaintpur O.P.), District- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 14-08-2018

Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

The petitioner is in custody since 19.04.2018 in connection with Saraiya P.S. Case No.134 of 2018 registered for the offence under Section 414 of the Indian Penal Code.

Learned counsel for the petitioner submits that though the alleged recoveries are said to be from the possession of the petitioner, the motorcycle in question was not stolen by him, rather the same was recovered from the verandah of his house and the petitioner is not having any such paper for the vehicle. He submits that the recovery is not from his conscious possession and the petitioner has got no criminal history. He further submits that the petitioner is merely a J.C.B. Driver and works for a living by driving the vehicle of the owner of J.C.B. machine, namely, Vikas Singh.

Considering the fact that the petitioner has no criminal antecedents, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-cum-Sub-Judge, 1st (West), Muzaffarpur, in connection with Saraiya P.S. Case No.134 of 2018, subject to the following conditions:

(1) One of the bailors will be the brother of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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