

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38249 of 2018

Arising Out of PS. Case No.-7 Year-2018 Thana- NAYAGAON District- Begusarai

Lakshman Kumar Rajak @ Gopal Rajak @ Lakshman Rajak @ Goupal Kumar, S/o Naresh Rajak, R/o Vill- Balahpur, P.S.- Nayagaown, Dist- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Mr. Arun Kumar Pandey

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Nayagaown
P.S. Case No. 07/2018 for offences punishable under Sections
457/380 of the Indian Penal Code.

The prosecution case, as lodged by the police
personnel, is that a theft was committed in the Malkhana of
Samho Police Station. On enquiry, it was found that large
number of arms, ammunitions, cartridges and mobiles kept in
the Malkhana had been stolen. Accordingly, an F.I.R. was
lodged.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information



Report, bears no criminal history and it is only on the basis of arrest of a co-accused Aditya Kumar during investigation that name of other co-accused surfaced. Although, the mobile recovered from the possession of the petitioner bearing two SIMs with two IMEI numbers were not the numbers of the stolen mobile but during investigation it was found to have been used to contact the other co-accused, hence, on the basis of the said, the petitioner has been made accused in the present case. It is further submitted that no overt act has been committed, there is neither direct nor indirect evidence against the petitioner, charge-sheet has already been submitted and petitioner is languishing in judicial custody since 24.03.2018.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail 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-IV, Begusarai, in connection with Nayagaown P.S. Case No. 07/2018, 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) 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.

(Nilu Agrawal, J)

Rajesh/Pragya

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