

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19907 of 2018

Arising Out of PS.Case No. -175 Year- 2017 Thana -AURAI District- MUZAFFARPUR

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Praveen Kumar Rai @ Kanhai @ Kanhaiya Son of late Munshi Ray
Resident of Village: Sudar Khaulli, P.S. Aurai, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 05-04-2018

Heard learned counsel for the petitioner and

learned APP the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 379 of the Indian Penal Code.

The prosecution case as per the written report of Hemant Jha dated 02.11.2017 submitted to Station House Officer of Aurai P.S. is to the effect that on 29.10.2017 the motorcycle of the informant was parked in front of his house, but in the morning it was found missing. During search the informant came to know that the motorcycle was taken away by the petitioner.

It is submitted by learned counsel for the



petitioner that only on suspicion the accusation has been levelled. For the occurrence of 29.10.2017 the written report was submitted on 02.11.2017 but the same reached to the court of learned Magistrate on 06.11.2017 which clouds the bonafide of the accusation. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR.

Considering the suspicious nature of accusation and the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge 14th -cum- A.C.J.M., Muzaffarpur in connection with Aurari P.S. Case No. 175 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner will be accepted by the learned Court below on filing affidavit that the petitioner will co-operate in the investigation. The non-cooperation in the



investigation will give liberty to the prosecution to file application
for cancellation of the bail of the petitioner.

(Dinesh Kumar Singh, J)

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