

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28153 of 2018

Arising Out of PS.Case No. -26 Year- 2017 Thana -KALER District- JEHANABAD

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1. Rajiv Kumar, Son of Jawahar Lal, Resident of Village- Durgapur, Post Office+ Police Station- Kaler, Distict- Arwal (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh

For the Opposite Party/s : Mr. Sri Umeshnand Pandit

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-05-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Kaler P.S.Case nO.26 of 2017 dated 15.8.2017 , registered for offences punishable under Sections 406, 420 and 409/34 of the Indian Penal Code.

Allegation against the petitioner as per FIR is about theft of 1328 quintal of rice from the B.S.F.C. Godown of Kaler and it appears that Assistant Godown Manager and Chairman have been made accused.

Further submission of the learned counsel for the petitioner is that later on statement of Vikash Kumar has been recorded and he has named another person who was working earlier with the petitioner, who is running rice mill and only on that basis he has been made accused in this case and materials which have come during the investigation also show that there was no theft of the



rice rather it was delivered to different persons.

Heard A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, surrender within a period of four weeks from the date of receipt of the order and on his surrender he shall be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special court, Smt. Bharti Kumari, J.M. first Class, Gaya in connection with Kaler P.S. Case No.26 of 2017, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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