

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11852 of 2018

Arising Out of PS. Case No.-31 Year-2017 Thana- PATAHI District- East Champaran

=====

Krishna Rai, son of Ravindra Rai, Resident of Village- Marpa Kothi Mohan,
P.S.- Phenhara, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-04-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
30.11.2017 in connection with Patahi P.S. Case No. 31 of 2017
registered for the offence punishable under Section 379 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he had parked his motorcycle at his door, which was found
missing.

It has been submitted by the learned counsel for the
petitioner that he is innocent and not named in the First
Information Report. His name surfaced on the confessional
statement of co-accused Shivam Kumar before the police, which
has no evidentiary value in the eye of law. He submits that



nothing has been recovered from his possession and that petitioner is a student of B. Com Part-II and charge-sheet has already been submitted.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner does not have clean antecedent and one more case of similar nature is pending against him.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-8th, East Champaran at Motihari in connection with Patahi P.S. Case No. 31 of 2017, subject to the conditions that:

(1) Both the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating their relationship with the petitioner.

(2) It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at



liberty to move the learned Court below for
cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--

