

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23289 of 2018

Arising Out of PS.Case No. -37 Year- 2013 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

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Bhola Ray Son of Newla Rai @ Mewalal Ray, Resident of Village-Fullar,
Police Station-Matipur, District-Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate.

For the Opposite Party : Mr. Jitendra Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 26-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 15.12.2017 in connection with Mehsi P.S. Case No. 37 of 2013 for the offences alleged under Section 392 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated as he along with three unknown persons are not named in the first information report. No test identification parade has been conducted for identification of the petitioner nor have any incriminating articles been recovered from his possession. The petitioner has been implicated merely on the extra-judicial confessional statement of co-accused Dipak Kumar Yadav and Sanjay Bhagat and except such statement, there is no other material to connect the petitioner with the alleged offence. The said co-accused Dipak Kumar Yadav and Sanjay Bhagat have been granted bail by the coordinate Bench of this Court in Cr. Misc. No. 39883 of 2014 and Cr. Misc. No. 35714 of 2014 respectively.

4. Be that as it may, having regard to the entirety of the



facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, East Champaran at Motihari in connection with Mehsi P.S. Case No. 37 of 2013, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

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

(iv) The petitioner shall cooperate 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.

Ibrarul/BT

(Vikash Jain, J)

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