

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28183 of 2018

Arising Out of PS.Case No. -102 Year- 2017 Thana -BARURAJ District- MUZAFFARPUR

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Rajesh Kumar @ A. T. M. Son of Late Sakal Ram Resident of Village Kazi
Mohammadpur, Police Station Paru, 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. Smt Indu Kumari Srivastava

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Baruraj P.S.
Case No. 102 of 2017, G.R. No. 2134 of 2017 for offences
punishable under Sections 395 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his brother owns a sand and Stone Chips (Gitti) shop and on
06.09.2017 six miscreants came on three motorcycles and asked
about his brother and snatched Rs. 70,000/- from the chest. It is
alleged that the informant's father was killed against which six
persons have been named by the informant to have been involved
in the offence.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the F.I.R. and his named surfaced only on the confessional statement of one Sujeet Kumar before the police which has no evidentiary value in the eye of law. He submits that apart from a case under the Excise Act the petitioner has no criminal antecedent except the present case and has been falsely implicated. He submits that nothing has been recovered from his possession, T.I. Parade has also not been done so far, charge-sheet has already been submitted and the petitioner is languishing in judicial custody since 01.02.2018.

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 Judicial Magistrate-1st Class, Muzaffarpur in connection with Baruraj P.S. Case No. 102 of 2017, G.R. No. 2134 of 2017, subject to the conditions that:

- (1) 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.
- (2) If the petitioner indulges in an offence of similar nature in



future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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