

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2248 of 2019

Arising Out of PS. Case No.-120 Year-2017 Thana- HARLAKHI District- Madhubani

Ajeet Das @ Ajeet Kumar Das, aged 25 years (M), son of Arun Das @ Arun Kumar Das Resident of village- Mahinathpur, P.S. Basopatti, District- Madhubani ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Adv.

For the Opposite Party : Mr. Jai Narain Thakur (App 184)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-01-2019 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 07.10.2018 in connection with Harlakhi P.S. Case No. 120 of 2017 for the offences alleged under Sections 414, 401, 411, 412, 413 and 120B of the Indian Penal Code.

The prosecution case, as lodged by the informant, police personnel, is that during the course of vehicle checking they intercepted a motorcycle ridden by three persons who were apprehended and disclosed their names. On query, they could not produce the registration paper of the motorcycle and revealed that the petitioner had sold the stolen motorcycle. On the tip-off of the apprehended accused persons, raid was conducted in the house of other co-accused and stolen motorcycles were recovered.



It has been submitted by the learned counsel for the petitioner that he is innocent, not apprehended by the police, was not present at the place of occurrence and it is only on the confessional statement of co-accused, the petitioner has been made accused in the present case. He, further, submits that nothing has been recovered from his conscious possession and that charge sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses. Learned counsel for the petitioner, further, submits that two of the apprehended accused persons have been granted the privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 3385 of 2018, dated 18.01.2018, and Cr. Misc. No. 50254 of 2017, dated 17.10.2017.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not have clean antecedent and five more cases of similar nature are pending against him.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail, **on completion of six months**, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Harlakhi P.S. Case No. 120



of 2017 to the satisfaction of the learned Subdivisional Judicial Magistrate, Benipatti, Madhubani, subject to the following conditions :

(i) 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.

(ii) 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)

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