

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3439 of 2019

Arising Out of PS. Case No.-799 Year-2018 Thana- AHIYAPUR District- Muzaffarpur

Nand Lal Kumar, Son of Jugeshwar Rai, Resident of Village - Sadat Pur, P.S.-
Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-01-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
12.09.2018 on remand in connection with Ahiya Pur P.S. Case
No. 799 of 2018 for offences punishable under Section 392 of
the Indian Penal Code.

The prosecution case as lodged by the driver of the
vehicle is that while he was driving the vehicle of the owner
Akhilesh Kumar Akela and his friend was sitting in the car, two
cars followed them and intercepted. The informant was taken
out of the car and his friend was thrown out nearby and the
miscreants left with the car.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and it is



only on the confessional statement of co-accused Rabinder Sahni before the police which has no evidentiary value in the eye of law that his name surfaced. He further submits that one of the co-accused on similar allegation has already been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 78067 of 2018 dated 08.01.2019. He further submits that the charge-sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and two more cases although for different offences are pending against him.

Considering the facts and circumstances of the case and materials on record as well as the nature of allegations, let the 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 the learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiya Pur P.S. Case No. 799 of 2018, subject to the conditions:-

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



(2) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) 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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