

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9830 of 2019

Arising Out of P.S. Case No.-195 Year-2017 Thana- PAROO District- Muzaffarpur

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ASHOK RAI (Male) aged about 25 years, Son of Suresh Rai alias Sudist Rai
Resident of Village – Mohamadpur, Police Station-Paroo, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Dharendra Pratap Singh, Advocate
For the Opposite Party/s : Mr.Renuka Ratnakar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-02-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody in
connection with Paroo P.S.Case No.195 of 2017 for the offence
alleged under Section 392 of the Indian Penal Code.

The prosecution case as lodged by the informant is
that three unknown miscreants stopped his motorcycle and
snatched his belongings as well as the motorcycle.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the FIR and has
been named by co-accused Pappu Kumar in his confessional
statement before the police which has no evidentiary value in
the eye of law and that the co-accused has already been granted



the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.62757 of 2018 dated 11.10.2018. He further submits that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence and the petitioner is languishing in judicial custody since more than six months, nothing incriminating having been recovered from the possession of the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender as three more cases under similar allegation is pending against him.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Paroo P.S.Case No.195 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, 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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