

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11693 of 2019

Arising Out of PS. Case No.-17 Year-2018 Thana- JOGBANI District- Araria

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MAHESH RAJAK Son of Man Mohan Rajak Resident of Village -
Nawabganj (Fulkaha), P.S.- Fulkaha, Distt - Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Arun Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 05-04-2019 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Section 392 of the Indian Penal Code.

Informant has alleged in his fardbeyan that on 22.01.2018 when he was returning from the Bank after collecting the money, three motorcycle borne criminals overpowered him and snatched away his bag containing Rs.1,58,582.00/- and valuable articles. The miscreants also snatched his purse, Adhaar card, I card, mobile and his motorcycle and thereafter they fled away.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case on mere suspicion. Petitioner is not named in FIR. It has been



submitted on behalf of the petitioner that the name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Shamshar and Kundan Kumar Rajak. Except confessional statement there is no incriminating material against the petitioner. Nothing has been recovered from the possession of the petitioner. Petitioner has not been put on TIP till date. Similarly, situated co-accused persons have been granted bail by co-ordinate benches of this Court vide orders dated 28.06.2018 in Criminal Miscellaneous No. 36071 of 2018, 04.09.2018 in Criminal Miscellaneous No. 54540 of 2018, 28.01.2019 in Criminal Miscellaneous No. 78438 of 2018 and 19.02.2019 in Criminal Miscellaneous No. 9958 of 2019. Petitioner is in custody since 25.05.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Jogbani P.S. Case No. 17 of 2018 (G.R. No. 192 of 2018)**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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