

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14722 of 2019

Arising Out of PS. Case No.-449 Year-2018 Thana- TURKAULIYA District- East
Champaran

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LALU RAI, aged about 32 years, Male, Son of Late Durga Rai Resident of
Village - Janpul , P.S.- Motihari Town, Distt.- East Champaran
... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

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Appearance :

For the Petitioner : Mr. Kundan Rathore, Adv.
For the Opposite Party : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2019 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
24.07.2018 in connection with Turkauliya (Banjariya) P.S. Case
No. 449 of 2018 for the offence alleged under Section 379 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he had given his tractor on rent to the petitioner, but, he has
fled away with his tractor.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in
the aforesaid case. On his own extra judicial confessional
statement, before the police, which has no evidentiary value in
the eye of law he has been made accused. He, further, submits
that the tractor of the informant has been stolen and being on



inimical terms the petitioner has been falsely implicated and is languishing in judicial custody since nearly eight months. He submits that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that petitioner does not have a clean antecedent as one more case although for different offence is pending against him.

Considering the nature of allegations and the materials on record as well as the period of custody and that the charge sheet has already been submitted, 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 Turkauliya (Banjariya) P.S. Case No. 449 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari, 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) 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.

(iii) 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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