

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15829 of 2019**

Arising Out of PS. Case No.-1229 Year-2018 Thana- AHIYAPUR District- Muzaffarpur

=====

ARUN KUMAR Son of Late Yogendra Rai Resident of Village -  
Bhagawatipur, P.S.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Diwakar Prasad Karn

For the Opposite Party/s : Ms.Anita Kumari

=====

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      27-03-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner is languishing in judicial custody since  
13.11.2018 in connection with Ahiyapur P.S. Case No. 1229 of  
2018 for offences punishable under Section 401 of the Indian  
Penal Code.

The prosecution case, as lodged by the police  
personnel, is that while they were on patrolling duty they came  
across three persons with iron rod near DAV school. They were  
apprehended and from the possession of the petitioner curved  
iron-rod was recovered, while knife and plastic bag was  
recovered from the possession of other accused persons.  
Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that no overt act has been alleged against the petitioner and he is languishing in judicial custody for more than four months. It is further submitted that charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses and one of the co-accused apprehended along with the petitioner has since been granted the privilege of bail by this Court in Cr. Misc. No. 15034 of 2019 vide order dated 14.03.2019.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and two more cases are pending against him, which the counsel for the petitioner submits that in one case petitioner has been acquitted and in the other he has been granted the privilege of bail.

Considering the nature of allegations and the materials on record as well as the period of custody, let 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 learned Chief Judicial Magistrate, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 1229 of 2018, subject to the following conditions :



1. 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.
2. 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)**

Rajesh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

