

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78734 of 2018

Arising Out of PS. Case No.-220 Year-2016 Thana- KHAGARIA District- Khagaria

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1. Risu Kumar @ Vicky and Anr Son of Krishna Singh resident of village-Barnli, P.S. Basantpur, District-Siwan
 2. Ajit Kumar, son of Ghanshyam Ram Churan, Resident of Village-Goriya, Teachers Colony, Husua, District-Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh

For the Opposite Party/s : Mr.Sri Shailendra Kumar -1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 22-01-2019 Heard learned counsel for the parties.

Petitioners seek bail in **Khagaria P.S. Case No.220 of 2016** registered for the offence punishable under Sections 420, 406, 363 and 34 of the Indian Penal Code.

Informant in his written complaint has alleged that the driver of his vehicle Jagdish Mahto was asked to provide vehicle by the Manager of Rajasthan Hotel, Khagaria, for his customers for their personal work as they had to visit Lakhaminiya district of Balia upon which the driver took them but thereafter his whereabouts were not known and even when he was contacted on his mobile in the evening it was switched off and the mobile number of the customer was also switched off and on such allegation FIR was instituted against three



persons. Petitioners are not named in the FIR.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case on mere suspicion. Nothing has been recovered from the possession of the petitioners and there is no incriminating material against the petitioners to implicate them in this crime. It has been further submitted that the driver and the vehicle has been recovered and even in C.C. Tv footage of Rajasthan Hotel, Khagaria, there is no recording showing presence of petitioners. Petitioners are in custody since 29.03.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned **Judicial Magistrate, 1st Class, Khagaria**, in connection with **Khagaria P.S. Case No.220 of 2016**, with following conditions:-

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

(2) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the



court below.

(3) If the petitioners 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 petitioners.

(S. Kumar, J)

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