

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24008 of 2019

Arising Out of PS. Case No.-633 Year-2017 Thana- ARARIA District- Araria

=====

ASHOK RISHIDEO @ ASHOK KUMAR SADA Son of Uttam Lal Rishideo
Resident of Village - Sikty (Mushari Tola Near Block), P.S.- Sikty, Distt.-
Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha
For the Opposite Party/s : Mr.Ahtasham Ali Khan

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
26.06.2018 in connection with Araria P.S. Case No. 633 of
2017, G.R. No. 2989 of 2017 for offences punishable under
Section 379 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he had parked his motorcycle in the courtyard in the night
and while in the morning when he woke up he found his
motorcycle missing.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R., his name
surfaced during investigation in another case being Araria P.S.



Case No. 654 of 2017 and the confessional statement of the petitioner before the police has no evidentiary value in the eye of law. He submits that charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent, he is a habitual offender and six more cases of similar nature are pending against him.

Considering the nature of allegations, charge-sheet has already been submitted and 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, Araria, in connection with Araria P.S. Case No. 633 of 2017, G.R. No. 2989 of 2017, 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. 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.

3. 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	
---	--	---	--

