

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24083 of 2019

Arising Out of PS. Case No.-19 Year-2018 Thana- FORBESGANJ District- Araria

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr.Ajay Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-04-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
23.07.2018 in connection with Forbesganj P.S. Case No. 19 of
2018, G.R. No. 84 of 2018 for offences punishable under
Sections 379, 511, 427 of the Indian Penal Code.

The prosecution case as lodged by the informant who
is a Zonal Coordinator of S.B.I. ATM is that the ATM machine
situated at Ram Manohar Lohia Path has been damaged by some
unknown persons who have also damaged the lock, system, gate
etc. in order to steal money from the ATM.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and his
name surfaced on the confessional statement of co-accused Raju



Kumar Paswan in another case being Forbesganj (Simraha) P.S. Case No. 195 of 2018 and the petitioner has been made accused in the present case. He submits that no overt act has been alleged to have been committed by the petitioner and two of the co-accused named by the said Raju Kumar Paswan has been granted the privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 71963 of 2018 dated 10.12.2018 and Cr. Misc. No. 77784 of 2018 dated 03.01.2019. He submits that charge-sheet has already been submitted and the petitioner is languishing in judicial custody since nearly nine months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and four more cases in which three are of similar nature is pending against the petitioner.

Considering the nature of allegations, materials on record and that other co-accused have been granted the privilege of bail, let the 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 the learned Judicial Magistrate-1st class, Araria in connection with Forbesganj P.S. Case No. 19 of 2018, G.R. No. 84 of 2018 subject to the conditions:-

(1) One of the bailors would be close relative of the



petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The 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)

devendra/priyanka

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