

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25823 of 2019

Arising Out of PS. Case No.-635 Year-2018 Thana- MADHEPURA District- Madhepura

LAKHAN MANDAL @ LAKHAN LAL MANDAL Son of Late Ganesh Mandal, Resident of Village- Dhodhiya Dadpur, Police Station- Kharik (Naugachia), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Mr.Ansar Ul Haque

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-04-2019 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 09.10.2018 in connection with Madhepura P.S. Case No. 635 of 2018 for offences punishable under Section 379 of the Indian Penal Code.

The prosecution case as lodged by the informant is that while he had gone in the motorcycle to appear in the examination while coming out from the examination hall, he found his motorcycle had been stolen.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and has been falsely implicated in the aforesaid case. He submits that he



has been remanded in the present case from Madhepura P.S. Case No. 705 of 2018 and has been made accused only on suspicion.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and two more cases of similar nature are pending against him and the stolen motorcycle has been recovered from the possession of the petitioner although learned counsel for the petitioner submits that Madhepura P.S. Case No. 705 of 2018 is with regard to the stolen motorcycle of the present case.

Considering the nature of allegations, materials on record as well as the fact that the charge-sheet has already been submitted as well as the period of custody, 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 Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 635 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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