

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29640 of 2019

Arising Out of PS. Case No.-60 Year-2018 Thana- AGIAON District- Bhojpur

MITHILESH KUMAR RAI @ MITHILESH RAI Son of Kapur Chand Rai
Resident of Village- Nausatar, P.S.- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav

For the Opposite Party/s : Mr.Dinesh Singh,APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 09-05-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 379 IPC registered in connection with Agiaon Bazar P.S. Case No. 60/2018.

3. It is submitted that the petitioner has been falsely implicated merely on the extra judicial confessional statement of co-accused Kishun Kumar, except which there is no objective material to connect the petitioner with the alleged occurrence. No recovery of any incriminating articles has been made from the possession/house of the petitioner. The petitioner is accused in one prior case in which he has made accused relates to the same occurrence.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM III, Bhojpur at Ara in connection with Agiaon Bazar P.S. Case No. 60/2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:



- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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