

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31751 of 2019

Arising Out of PS. Case No.-250 Year-2018 Thana- MAHUA District- Vaishali

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KALLU RAI @ ROHIT KUMAR S/o Rajeev Rai Resident of Village- Dogra
Bhadwas P.S.- Mahua, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Zainul Abedin

For the Opposite Party/s : Mr.Syed Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 08-08-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 379/34 of the Indian Penal Code registered in connection with Mahua P.S. Case No. 250/2018.

3. It is submitted that the petitioner has been falsely implicated on the accusation that the informant recognised two out of three persons including the petitioner who are said to have started and taken away the informant's splendor motorcycle. It is submitted that in any event no recovery of any incriminating articles much less the stolen motorcycle has been made from the conscious possession of the petitioner or from his house. There is inordinate delay in institution of the FIR on 02.09.2018 for the alleged occurrence of 28.08.2018. Co-accused Rohit Kumar who had been arrested has not confessed the name of the petitioner having involved in the offence and had been granted regular bail by the learned Court below.

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 CJM, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 250/2018, 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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