

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37146 of 2019

Arising Out of PS. Case No.-2181 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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RAJ KUMAR SINGH Son of Janakdhari Singh Resident of Chandmari Road,
Kankarbagh, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rinku Sharma Son of Surendra Kumar Sharma Proprietor Jamuna Engineering Corporation, Kankarbagh, Main Road, P.S.- Kankarbagh, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. N.K. Agarwal, Sr. Adv. with Mr. Saket Tiwary, Adv.
For the State	:	Mr. Pancha Nand Pandit, APP
For the Complainant	:	Mr. Anil Kumar No. 1, Adv.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-06-2019 Heard Mr. N.K. Agarwal, learned Senior Counsel

assisted by Mr. Saket Tiwary, learned counsel for the petitioner

and the learned Additional Public Prosecutor appearing for the

State.

The petitioner is languishing in judicial custody since
04.05.2019 in connection with Complaint Case No. 2181(C) of
2018 for the offences alleged under Sections 448, 451 and 380
of the Indian Penal Code.

The prosecution case, as lodged by the complainant-
opposite party no. 2, is that she is running a workshop of



agricultural equipments on the rented premises of the land lord who is the petitioner. On 19.05.2018 a burglary has been committed and the agricultural equipments worth Rs.44,840/-, which could have sold for rupees one lakh, was stolen. She got knowledge in the next morning that the petitioner along with two others have broken the lock of workshop and stolen the said articles.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. The matter relates to dispute between land lord and tenant and there were some civil dispute between the parties for which the false case has been lodged against him. Petitioner undertakes to cooperate in the said complaint case and will appear before the learned Court below as and when required.

Learned counsel for opposite party no. 2 states that due to strained relation between them said act has been committed by the petitioner along with others, as such, vehemently opposes the prayer for bail.

Learned Additional Public Prosecutor for the State also opposes the prayer for bail.

Considering the nature of allegations, the materials on



record and the submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Complaint Case No. 2181(C) of 2018 to the satisfaction of Mrs. Arti Jayaswal, Judicial Magistrate, 1st Class, Patna, or the successor Court, subject to the following conditions :

(i) 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.

(ii) 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.

(iii) 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)

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