

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38582 of 2019

Arising Out of PS. Case No.-180 Year-2018 Thana- PANCHRUKHI District- Siwan

Kalicharan Male aged about 34 years Son of Late Ramji Prasad Resident of Telhatta Bazar, Police Station- Siwan Town, District Siwan at present resident of House of Mungalal Yadav, Village Atarsuwa, Police Station Sarai O.P., District- Siwan.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Raghav Prasad, Advocate
For the Opposite Party : Mr.J.K. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 01-07-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 413/414 of the Indian Penal Code registered in connection with Pachrukhi (Sarai) P.S. Case No. 180 of 2018.

3. It is submitted that the petitioner has been falsely implicated on the accusation of recovery of Bullet motor-cycle bearing registration no. BR-29T-4547 and Tata Indigo bearing registration no. CG04CH- 5216 from the house of the petitioner. It is submitted that as a matter of fact, the said Tata Indigo had been purchased by the petitioner from one Ramji Bhai Patel in terms of the agreement dated 16.05.2018 (Annexure-2) in respect of which insurance policy was obtained on 16.05.2018. As regards Bullet motor-cycle, the same has been released in favour of the ex-owner Awadhesh Tiwari, who is the friend of the petitioner, vide order dated 04.04.2019 passed by learned A.C.J.M., Siwan in Puchrukhi Sarai P.S. Case No. 180 of 2018 (Annexure-3).

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 provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Siwan in connection with Pachrukhi (Sarai) P.S. Case No. 180 of 2018 , subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with 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 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.

(iv) That the petitioner shall cooperate 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.

5. That the provisional bail granted to the petitioner shall be confirmed upon verification by the learned court below that the original sale letter dated 15.05.2018 relating to Tata Indigo bearing registration no. CG04CH- 5216 (Annexure-2) is genuine and that the Bullet motor-cycle has been released in favour of the said Awadhesh Tiwari, failing which his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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