

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39548 of 2019

Arising Out of PS. Case No.-503 Year-2018 Thana- MINAPUR District- Muzaffarpur

PRABHAT KUMAR @ PRASHANT KUMAR Son of Ravindra Rai Resident
of Village-Morsar Ratan, Police Station-Minapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Ms.Rita Verma

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 22-08-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 414 of the Indian Penal Code registered in
connection with Minapur P.S. Case No. 503 of 2018.

3. It is submitted that the petitioner has been falsely
implicated on the accusation of theft of 35 sewing machines
recovered from the poultry farm of co-accused Rabindra Rai. The
petitioner has been implicated merely because he happens to be
the son of the said Rabindra Rai and no specific overt act has
been alleged against him. In any event the poultry farm had been
let out by the petitioner's father for a period of five years to one
Smt. Gangia Devi almost ten months prior to the date of
occurrence in terms of the rent agreement dated 01.06.2018
(Annexure-2). The petitioner claims clean antecedents.

4. Be that it may, in the event of petitioner's arrest or
surrender within four weeks hereof let the above named
petitioner be released on provisional bail on furnishing bail bond
of Rs.10,000/- [ten thousand] with two sureties of like amount



each to the satisfaction of learned CJM, Muzaffarpur in connection with Minapur P.S. Case No. 503 of 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.

(v) The petitioner shall produce the original rent agreement dated 01.06.2018 (Annexure-2) before the learned Court below for verification.

5. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon verification about the genuineness of the rent agreement dated 01.06.2018 (Annexure-2). If it is found unverifiable, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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