

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69804 of 2018**

Arising Out of PS. Case No.-489 Year-2017 Thana- GARKHA District- Saran

Prabhunath Rai Son of Kanadhar Rai Resident of Village-Baldiha,P.O.  
Khodaivag,Police Station-Khaira,Distt-Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Arbind Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL ORDER**

5      27-02-2019                      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, 302 IPC and Section 27 of the Arms Act registered in connection with Garkha P.S. Case No. 489 of 2017.

3. It is submitted that the petitioner has been falsely implicated on mere suspicion except which there is no other material to connect the petitioner with the alleged occurrence. The FIR is against unknown persons and the petitioner's name has transpired in course of investigation. He has been implicated merely on the confessional statement of Kundan Kumar and Chhotu Kumar. The petitioner is an aged person of about 86 years of age claiming clean antecedents.

4. Learned APP refers to the case diary to submit that the petitioner has been named by co-accused and he is the father of Bachha Rai who is said to have given protection to co-accused persons.

5. 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 2<sup>nd</sup>, Saran at Chapra in connection with Garkha P.S. Case No. 489 of 2017, 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)**

Chandran/-

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