

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61451 of 2018

Arising Out of PS. Case No.-144 Year-2018 Thana- RAJPUR District- Buxar

Nakharu Rajbhar Son of Baban Rajbhar, Resident of Vill- Dihari, P.S.-
Rajpur, Dist- Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 24-01-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 302, 201/34 IPC registered in connection with Rajpur P.S. Case No. 144 of 2018.

3. It is submitted that the petitioner has been falsely implicated on mere suspicion except which there is no eye-witness to the alleged occurrence. As a matter of fact, the petitioner himself is said to have informed his father that he had helped the deceased to catch a tempo on the road. The petitioner claims clean antecedents.

4. Learned APP has not been able to pointed out any objective material against the petitioner from the case diary.

4. Be that as it may, having regard to the entirety of the facts and circumstances, 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, Buxar, in connection with Rajpur P.S. Case No. 144 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.

(Vikash Jain, J)

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