

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69347 of 2018**

Arising Out of PS. Case No.-23 Year-2017 Thana- MINAPUR District- Muzaffarpur

Akshay Kumar Singh, S/o Nand Kishore Singh Resident of Pipraha, Police
Station - Meenupur, District - Muzaffarpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Mr. Nilesh Kumar, Mr. Udbhav, Ms. Sweta Kumari, Mr. Arya Anchit, Advocates For the Opposite Party	:	Mr. R.P. Nat, Advocate
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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER**

3 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 Section 365/34 of the Indian Penal Code registered in connection with Minapur P.S. Case No. 23 of 2017, Tr. No. 2205 of 2017.

3. It is submitted that the petitioner has been falsely implicated and there is considerable delay of more three months in instituting the first information report on 02.02.2017 for the alleged occurrence of 05.11.2016. From perusal of the FIR itself it transpires that the informant's son is said to have gone with the petitioner for earning his livelihood. It is submitted that in course of investigation, several witnesses have stated that the informant's son had accompanied co-accused Md. Reyaz on the motor-cycle but the petitioner had not accompanied them. It is therefore submitted that except suspicion, there is no material to connect the petitioner with the alleged occurrence. The petitioner claims clean antecedents.



4. Learned APP on the basis of the case diary opposes the anticipatory bail petition but he has not been able to point out any objective material against the petitioner. From the statements of various witnesses contained in paragraphs 6, 7 and 8 of the case diary it would appear that the informant's son had accompanied co-accused Md. Reyaz but they were not accompanied by the petitioner.

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 Additional Sessions Judge II, Muzaffarpur in connection with Minapur P.S. Case No. 23 of 2017, Tr. No. 2205 of 2017, subject to the conditions as laid down under Section 438 (2) 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.

BT/Chandran

(Vikash Jain, J)

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