

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79550 of 2018

Arising Out of PS. Case No.-289 Year-2018 Thana- RAJGIR District- Nalanda

Ajay Kumar son of Harihar Singh, Resident of Village- Dudhaili, P.s. - Akbarpur, Distt.- Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s A. K. Thakur, Pravin Kumar, Shashank Shekhar, Advocates
For the Opposite Party/s :		Mr. Amrendra Prasad, APP
For the informant	:	Mr. Prakash Mahto, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 12-03-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 365/34 of the Indian Penal Code and later on Section 302 of the IPC was also added.

Initially, case was registered under Section 365/34 of the IPC against unknown persons. Subsequently, Section 302 of the IPC was added. Allegation against the petitioner is recovery of mobile of the deceased from his possession.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It has further been submitted that two mobile phones belonging to the deceased were thrown besides the flank of the road which



were allegedly picked up by the petitioner and as such, he was apprehended by the police. The real culprits who were apprehended in this case and upon whose possession vehicle used in crime was recovered not named petitioner as their accomplice. Similarly placed co-accused Gopal Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 17.01.2019 passed in Cr. Misc. No.197 of 2019. Petitioner has no criminal antecedent and he is in custody since 01.10.2018.

Learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Rajgir P.S. Case No. 289 of 2018 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as



directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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