

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60493 of 2019

Arising out of PS. Case No.-268 Year-2019 Thana- LAKHISARAI District- Lakhisarai

AJAY KUMAR, aged about 22 years, Son of Tunna Mahto Resident of
Village- Bhadaus Mahsar, P.S.- Sheikhpura, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 20-11-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 268 of 2019, dated 26.03.2019, registered at Police Station Lakhisarai (Amahara) under Sections 413 and 414/34 of the Indian Penal Code.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

Petitioner is alleged to have committed theft of a motorcycle, which fact is seriously disputed. Prima facie also it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime.

It is submitted by learned counsel for the petitioner



that the petitioner has roots in the society; and is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence, as also that he is behind bars since 26.03.2019. Also, no further recovery is to be made from the petitioner and at this stage petitioner is not required for investigation.

It is also brought to the notice of the Court that co-accused stands enlarged on bail vide order dated 11.09.2019 passed by a co-ordinate Bench of this Court in Cr. Misc. No. 43588 of 2019 (Vijay Kumar & Anr. Vs. The State of Bihar).

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of 2nd Additional District & Sessions Judge, Lakhisarai, District- Lakhisarai in connection with Lakhisarai (Amahara) P.S. Case No. 268 of 2019, on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(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 bonds shall be liable to be cancelled by the learned court concerned.

(iv) 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.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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