

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65018 of 2018

Arising Out of PS. Case No.-121 Year-2018 Thana- MAHARAJGANJ
District- Siwan

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Vivek Kumar Son of Nagendra Singh, Resident of Village-Dudhi Tola
Maharajganj, P.S. Maharajganj, Distt.-Siwan

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Prashant Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 22-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 272, 273, 308, 420 of the Indian Penal Code and Section 41(1) of Bihar Prohibition and Excise Act, 2016 registered in connection with Maharajganj P.S. Case No. 121 of 2018.

3. It is submitted that the petitioner has been falsely implicated and from a bare perusal of the F.I.R., no offence whatsoever is made out against the petitioner as it has merely been stated that a Passion Pro motorcycle bearing registration no. BR29AC 5315 was found standing near the pick-up van and *dalan* of co-accused Partmatma Singh. The petitioner is the owner of the said motorcycle but however neither any recovery has been made from the motorcycle nor is there any allegation that the said motorcycle was involved in connection with recovery of the offending goods. It is submitted that the petitioner's house is situated in the neighbourhood.



4. 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 District and Sessions Judge-II-cum-Special Judge (Excise), Siwan in connection with Maharajganj P.S. Case No. 121 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 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.

(iv) 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.

(Vikash Jain, J)

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