

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.34046 of 2021**

Arising Out of PS. Case No.-168 Year-2020 Thana- RAHIKA District- Madhubani

Devendra Rai, Son of Late Kameshwar Rai, R/O Village- Lagma, P.S.-
Ghatho, District- Samastipur. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 29-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akshay
Lal Pandit, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Rahika P.S. Case No. 168 of 2020 registered for

the offence punishable under Section 379 of the Indian Penal

Code.

As per the prosecution story the informant is working as

a Munshi in Magadh Hardware shop at Jibachh Chowk in

Madhubani. It is alleged that as usual, the owner and all the staff

of the said shop closed the shop in the night of 27.12.2020 at about

8.00 P.M. and went to their respective houses after parking both

the tractors in front of the said shop which were stolen in the said

night. It has also been stated that on the next day in the morning at

about 6.00 A.M. when the informant came at his shop from his house then he found that both the tractors are missing and then he informed about it to his owner and he came at the shop and searched the tractors but they did not find the tractors.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case in the confessional statement of the co-accused. Learned counsel submits that no incriminating article has been recovered from the possession of the petitioner. Petitioner is in custody since 11.01.2021.

Mr. Akshay Lal Pandit, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears on perusal of the materials on the record that in connection with this case under Section 379 of the Indian Penal Code the petitioner has remained in custody for more than six months, he has got one criminal antecedent in which he is said to be on bail, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Rahika P.S. Case No. 168 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.