

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4513 of 2021

Arising Out of PS. Case No.-140 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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Om Prakash Giri, Son of Jagarnath Giri, Resident of Village-Kateshar Tola
Mohanpur, P.S.-Sakra, District-Muazffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 14-07-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Motihari
Muffasil P.S. Case No.140 of 2019 registered for the offence
punishable under Section 392 of the Indian Penal Code.

The accused persons, as per the F.I.R., have
intercepted the informant while he was on his way. There is an



allegation that his car has been taken away.

Petitioner's counsel submits that the petitioner is not named in the F.I.R. His implication is based on the statement of co-accused Manish Rai @ Vikash Rai. Manish Rai @ Vikash Rai has since been granted bail in Cr.Misc. No.18415 of 2020, vide order dated 06.07.2020. Co-accused Raja Rajak was also implicated based on the statement of co-accused Manish Rai @ Vikash Rai, and from his possession some articles have been recovered. He too has been granted bail in Cr.Misc. No.16858 of 2020, vide order dated 02.06.2020. Petitioner has been implicated in this case only based on his criminal antecedents. Upon his remand in the instant case from Kesariya P.S. Case No.504 of 2019, he is in custody since 18.12.2019. There is no recovery from the petitioner and till date, he has not been put on I.T. Parade.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Motihari Muffasil P.S. Case No.140 of 2019, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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