IN THE HIGH COURT OF JUDICATURE AT PATNA Cr.Misc. No.1429 of 2010 RAUSHAN KUMAR SON OF MADAN YADAV Versus THE STATE OF BIHAR

2. 28.1.2010

Heard learned Counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the offence under Section 394 of the Indian Penal Code.

Taking into consideration the fact that the petitioner's name was disclosed by the passersby when he was seen by the informant standing at betel the next morning and identified as a person who had committed robbery the previous night and the submission is that since the occurrence had taken place at 3 A.M. there is a possibility of wrong identification by the informant, let the petitioner above named, who is in custody since 12.11.2009 and has no criminal antecedents, be released on bail on furnishing bail bond of Rs.5,000/- (Five thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai in Barauni (Chakia) P.S.case No.277 of 2009, subject to the conditions (i) that one of the bailors will be a close relative of the petitioner who will give an affidavit genealogy as to how he is related with the petitioner, (ii) that the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is he shall not be released on bail, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse of bail and (iv) that the petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(Anjana Prakash, J.)

Narendra/

