

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.42590 of 2016**

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Satyendra Rai @ Bhulan Rai, son of Mohan Rai, resident of Naya Tola  
Kerma, P.S.- Kurhani, District- Muzaffarpur.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Archana Sinha @ Archana Shahi, Advocate  
For the Opposite Party/s: Mr. Sri Sunil Kumar Pandey, A.P.P.

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

6      20-12-2016                      Heard learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since  
11.04.2016 in connection with Maniyari P.S. Case No. 55 of 2016  
registered for the offence punishable under Section 392 of the  
Indian Penal Code.

The prosecution case, as lodged by the informant, is  
that while he was returning home after purchasing clothes for his  
marriage then all of a sudden four miscreants on two motorcycles  
stopped him and on gun point snatched his motorcycle and  
clothes.

It has been submitted by the learned counsel for the  
petitioner that he is innocent and not named in the First  
Information Report and it is only on the confessional statement



made by the petitioner in another case, bearing Kurhni P.S. Case No. 97 of 2016 that his name surfaced, which has no evidentiary value in the eye of law. It has further been submitted that the procedure in the Test Identification Parade has not been followed and that there is contradiction in paragraphs 12 and 56 of the case diary, as at one place it is stated that the motorcycle was recovered from the possession of the petitioner and on another place, it has been stated that motorcycle was found in abandoned condition elsewhere. It has further been submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is a habitual offender and has many cases of similar nature against him, hence, opposes the prayer for bail.

Be that as it may, since charge-sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of Sri M.K. Mishra, learned Judicial Magistrate 1<sup>st</sup> Class, Muzaffarpur in connection with Maniyari P.S. Case No. 55 of 2016, subject to the condition that one of the bailors would be close relative and other bailor would be a person, who has



sufficient immovable properties within the jurisdiction of the concerned police station/ Court. Petitioner is also directed to appear before the police/ Court below on each and every date and his failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

This is subject to further condition that if, in future, petitioner is found to be committing offence of similar nature, as all the cases pending against him are of similar nature, then also the learned Court below will be at liberty to cancel the bail bonds of the petitioner.

**(Nilu Agrawal, J.)**

Arjun/-

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