

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59599 of 2018

Arising Out of PS. Case No.-235 Year-2017 Thana- RAJIVNAGAR District- Patna

Indal Rai S/o Pawan Rai @ Pawan Kumar Ray, R/o Chhihattar Chak, P.S.-
Pahleja, District- Saran, at present Panchavati Colony, Digha Amrudi
Bagicha, P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate.

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 20-11-2018

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Sessions Trial No. 491 of
2018 arising out of Rajiv Nagar P.S. Case No. 235 of 2017
instituted for the offence under Sections 399, 402, 412 of the Indian
Penal Code, Sections 25(1-B)A, 26 and 35 of the Arms Act.

Prayer for bail of the petitioner was earlier rejected by a
coordinate Bench of this Court vide order dated 12.07.2018 passed
in Cr. Misc. 35747 of 2018.

Report was called for from the court below which has
been received. From the report it appears that charge has not even
been framed in this case.

Counsel for the petitioner submits that petitioner is in
custody since 5.9.2017.

It is alleged in the written report that petitioner was



apprehended along with number of miscreants in the night while making plan for committing dacoity. One semi automatic pistol with magazine was recovered from possession of the petitioner.

Keeping in view the period spent by the petitioner in custody and charge has also not even been framed in the case, prayer for bail of the petitioner is allowed. 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 learned A.D.J.-VI, Patna, in connection with Sessions Trial No. 491 of 2018 arising out of Rajiv Nagar P.S. Case No. 235 of 2017, subject to the condition that both the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any valid reason, his bail bonds will liable to be cancelled.

S.Ali/-

(Sanjay Priya, J)

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