

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2394 of 2019

Arising Out of PS. Case No.-292 Year-2018 Thana- RIGA District- Sitamarhi

Rahul Rai @ Rahul Ray, son of Brij Kishore Ray, aged about 24 years, Male,
Resident of Village- Mathwa, P.S.- Riga, District- Sitamarhi

... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Pramod Kumar Sinha, Adv.

For the Opposite Party : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 18-01-2019

Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 04.10.2018 in connection with Riga P.S. Case No. 292 of 2018 for the offences alleged under Sections 399, 402 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case, as lodged by the police personnel, is that on secret information that some persons have assembled near a bridge and are planning to commit crime, the police raided the place and the petitioner and three other co-accused, named in the first information report, tried to flee away, but, were apprehended. From the possession of the petitioner, one country made pistol with one cartridge and one cartridge in his pant pocket was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He, further, submits that no



overt act has been committed and the petitioner undertakes not to induce witnesses or tamper with the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Riga P.S. Case No. 292 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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