

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77299 of 2019

Arising Out of PS. Case No.-65 Year-2018 Thana- DORIGANJ District- Saran

MANU RAI @ MANU KUMAR S/o Raju Kumar @ Raju Rai R/o village-
Chhota Telpa, Ward No. 18, P.O.- Sahebganj, P.S.- Chhapra Moffasil, District-
Saran at Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Maheshwar Prasad, Adv.

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 27-11-2019 Instant petition under Sections 439 and 440 of

Criminal Procedure Code has been moved for grant of bail in

F.I.R. No. 65 of 2018, dated 13.3.2018, registered at Police

Station Doriganj under Section 392 of the Indian Penal Code.

I have heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State. I have also
perused the relevant record of the case, necessary for
adjudication of this petition.

It is brought to the notice of the Court that co-accused
Sonu Rai already stands enlarged on bail in Cr. Misc. No.52770
of 2019 (Sonu Rai Vs. The State of Bihar).

Record reveals that there is a confessional statement of
Sarvan Kumar who allegedly purchased the goods, i.e. the



property gained unlawfully from Vishal Kumar. The accused is suffering incarceration since 25.4.2019. No recovery is sought to be effected. It is the first offence of the accused. Thus far the accused has fully cooperated in the investigation and no further custodial interrogation is required.

Prima facie also it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; is behind bars since 25.4.2019; no further custodial interrogation is required and he has fully cooperated in the investigation.

Prima facie, nothing is produced to highlight petitioner's direct involvement in the crime.

Thus, this Court is of the considered view that petitioner has made out a case for grant of bail. Possibility of false implication, as is so alleged by the petitioner, cannot be ruled out. Also, thus far save and except for naming the petitioner in the F.I.R., no evidence corroborative in nature stands recorded by the police. Also, none has come forward to



highlight the possible involvement of the petitioner in the crime. On what basis the Investigating Officer could link the accused to the crime is also not emanating from the record.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra, Saran in connection with Doriganj P.S. Case No. 65 of 2018, on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the



State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to
be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

K.C.Jha/-

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