

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79207 of 2019

Arising Out of PS. Case No.-88 Year-2018 Thana- AMNAUR District- Saran

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1. SIKANDAAR RAI @ SIKANDRA RAI @ SIKANDAR RAI S/o Etvar Rai
 2. Mukesh Rai, S/o Late Amir Rai
Both are R/o village- Bhagwatpur, P.S.- Amnour, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Rajesh Kumar Singh
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 18-12-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 88 of 2018, dated 30.05.2018 registered at Police Station Amnour, District- Saran at Chapra under Sections 147, 148,149,307,323,324,341,354,436,452 and 504 of the Indian Penal Code.

I have heard learned counsel for the petitioners 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 the case of the prosecution that on 30.05.2018, about 20 armed persons assaulted the informant as also they misbehaved with the prosecutrix. Also house of the informant



was set on fire.

It is submitted by learned counsel for the petitioner that other co-accused persons, against whom there is direct involvement, sand granted bail by a co-ordinate Bench of this Court in Cr.Misc. No. 39266 of 2018; in the FIR, there is no reference to the bail applicants/petitioners as also there is no specific role ascribed therein; the petitioners have roots in the society; are not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; are behind bars since 24.10.2019; no custodial interrogation is required and have fully cooperated in the investigation. Prima facie, nothing is produced to highlight petitioner's direct involvement in the crime.

Learned Additional Public Prosecutor has raised no objection.

Thus, this Court is of the considered view that petitioners have made out a case for grant of bail. Possibility of false implication, as is so alleged by the petitioners, cannot be ruled out. Also, thus far save and except for naming the petitioners 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 petitioners 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) each with two sureties of like amount each to the satisfaction of learned A.C.J.M. II, Saran at Chapra in connection with Amnaur P.S. Case No. 88 of 2018, on the following conditions:-

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

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

(iii) That the petitioners 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, their bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves 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)

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