

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12824 of 2021**

Arising Out of PS. Case No.-669 Year-2015 Thana- SITAMARHI District- Sitamarhi

RAKESH RAI @ RAKESH KUMAR, Son of Suresh Ray, R/o Mohalla -
R.D. Palace, Ward No. 18, Indira Nagar, P.S. and Dist.- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Shiv Pratap, Advocate
For the Opposite Party/s	:	Ms. Asha Devi, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 25-08-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned Senior Counsel for the petitioner and
Ms. Asha Devi, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sitamarhi P.S. Case No. 669 of 2015 registered for the offence punishable under Section 385, 387 of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that it is a case of false implication of the petitioner. As per the prosecution story, the petitioner had demanded a rangdari of Rs. 20 lacs from the informant who is a Doctor and is running a

hospital at Sitamarhi.

Learned Senior Counsel submits that no voice recorder had been found by the Police and there is no voice recording test. In course of investigation it has come that mobile number belongs to one Saroj Kumar who disclosed to the I.O. that his mobile has been stolen in the year 2019.

Learned Senior Counsel submits that the Police has implicated the petitioner one after another in several cases also. In this case he has surrendered and he is in judicial custody since 02.06.2020 as per his statement made in paragraph '13', however, after some argument, learned Senior Counsel has taken a plea that in fact the petitioner has been brought on remand in the present case on 02.06.2020 but the date of his actual going in custody in another case is not disclosed.

Ms. Asha Devi, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that there is a specific allegation in the F.I.R. that this petitioner had demanded rangdari from the Doctor. The case is of the year 2015 and the petitioner has either surrendered or has been brought in this case on remand only on 02.06.2020 whereas it may be found from paragraph '3' that in between 2015 to 2018 the petitioner has been involved in ten criminal

cases of almost similar nature.

Considering the facts and circumstances of the case, particularly that as per his own statement the petitioner has surrendered on 02.06.2020, thus, he was absconding in this case for about five years and he has got criminal antecedent of altogether 11 cases of serious nature, this Court is not inclined to release the petitioner on bail. Prayer for bail is, thus, refused.

Let the trial be expedited.

The trial court is directed to proceed with the trial as early as possible and conclude the same within a period of one year. The prosecution must cooperate by producing all the witnesses on the date fixed in the matter.

If the trial remains unconcluded within a period of one year for no reason attributable to the petitioner, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.