

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15055 of 2021

Arising Out of PS. Case No.-376 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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RAKESH GIRI Son of Janardan Giri Resident of Village- Ankorha, P.S.-
N.T.P.C. Khaira, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Paras Nath
For the Opposite Party/s : Mr.A.PP.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 17-11-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in connection Aurangabad (Town)
P.S. Case no. 376 of 2018 registered for the offence punishable
under sections 395, 397, 412, 413 and 120B of the Indian Penal
Code.

Learned counsel for the petitioner submits that from
perusal of the allegation as alleged in the FIR, it would
manifest that the informant has alleged that while he was
working in his jewelery shop along with his staff, in the
meantime, five unknown persons entered into his shop having
pistol in their hands and they had over powered the staff
including the informant on the point of pistol. Thereafter it is



alleged that they tied their hands and feet and then miscreants opened the chest and took out gold ornaments of about 1 kg worth Rs 30 lac. Further, it is alleged that the informant claims to identify the miscreants after seeing their faces. He next submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant has specifically stated that he can identify the accused persons after seeing their faces. He submits that petitioner is in custody since 14.02.2019 and petitioner was put on TI parade and he was identified by the informant.

He further submits that co-accused Sourav Kumar @ Chhotu, Balkishan Giri and Rahul Yadav have been granted bail by this court vide order dated 25.4.2019 in Cr. Misc. no. 27120/2019, order dated 19.3.2020 in Cr. Misc. no. 80717/2019 and order dated 12.7.2019 in Cr. Misc. no. 30859/2019. Learned counsel further submits that the aforesaid accused person were also identified and from their possession, there was recovery of stolen material.

Learned APP vehemently opposed the prayer for bail.

Considering the facts that petitioner is in jail custody since 14.02.2019, charge sheet has been submitted and co-accused have been granted bail by this court, the petitioner is



directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge IX, Aurangabad in Sessions Trial no. 362 of 2019/191 of 2019 arising out of Aurangabad (Town) P.S. Case no. 376 of 2018

(Satyavrat Verma, J)

s.hassan/-

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