

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16580 of 2021

Arising Out of PS. Case No.-79 Year-2020 Thana- DEWARIA District- Muzaffarpur

SHIV CHANDRA RAI @ SHIVCHANDAR RAI Son of Ghana Rai @
Ramchandra Rai Permanent Address- Resident of Village - Kamalpur,
Bithraul, P.S.- Baruraj, Distt.- Muzaffarpur. Present Address- Resident of
Village - Bangra Dhab, P.S.- Sahebganj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 15-12-2021

Heard Mr. Upendra Kumar Chaubey, learned counsel
appearing on behalf of the petitioner and Sri Tarkeshwar Nath
Thakur, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 09.11.2020, seeks
bail in connection with Deoriya P.S. Case No. 79 of 2020, for the
offence punishable under Section 392 of the Indian Penal Code.

The prosecution case, in brief, is that on 06.06.2020, the
informant was going to Hajipur with his Bolero vehicle bearing
registration No. BR-29GA-4615 to take hens. In the way some
miscreants overtook his vehicle and on the point of pistol snatched
away Rs. 2,07,000/- from the possession of the informant. Thereafter,
all the accused persons fled away.

Learned counsel appearing on behalf of the petitioner



submits that petitioner is operating Dhaba and due to business rivalry, he has falsely been implicated in this case. He further submits that petitioner is not named in the F.I.R. The petitioner has been remanded in the present case on 09.11.2020, while he was in jail custody since 19.06.2020 on the basis of confessional statement in Police custody, which has no legal sanctity. He further submits that other co-accused, namely, Mukesh Kumar Yadav, Kamal Kishore Rai and Vipendra Kumar have already been enlarged on bail by co-ordinate Bench of this Court on 22.10.2021 passed in Criminal Miscellaneous No. 27739 of 2021, 15.11.2021 passed in Criminal Miscellaneous No. 19640 of 2021 and on 29.11.2021 passed in Criminal Miscellaneous No. 22586, respectively, as such he also deserves to be released on bail.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail to the petitioner with submission that petitioner has got three criminal antecedent, as mentioned in paragraph-3 of the petition, and he is not able to distinguish the case of the petitioner with those co-accused, who have been enlarged on regular bail by this Court, as such the petitioner does not deserve to be released on bail.

Having considered the facts and circumstances of the case and the fact that petitioner is not named in the F.I.R. The name of petitioner has been appeared in his confessional statement in the Police custody and petitioner has not been put on T.I.P. till date, the



petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Muzaffarpur in connection with Deoriya P.S. Case No. 79 of 2020 subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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