

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19906 of 2021

Arising Out of PS. Case No.-298 Year-2019 Thana- DESARI District- Vaishali

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Dinu Rai @ Dinwa, aged about 26 years, Male, Son of Naresh Rai, R/o
Village- Lakhanpur Tadi, P.S Desri, District Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of normal
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Section 395 of the Indian Penal Code.

Informant, Devendra Prasad Jaiswal alleged that on
27.08.2019 between 7.30 to 8.15 in the evening, 10-15
miscreants entered into his house and committed dacoity. They
took away ornaments made of gold and silver and cash.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. No incriminating article has been recovered from conscious possession of the petitioner. Name of the petitioner surfaced in the case in the confessional statement of co-accused, Ritesh Kumar. It is further submitted that Ritesh Kumar has already been granted bail by a coordinate Bench of this Court vide order passed in Cr. Misc. No.86190 of 2019 on 31.01.2020 (Annexure-2). The petitioner has got one criminal antecedent being Jurawanpur P.S. Case No.59 of 2020 and he is in custody since 17.12.2020.

The learned APP vehemently opposed the prayer for bail of the petitioner.

Having considered the fact that similarly situated co-accused has already been granted bail, the Court is inclined to grant bail to the petitioner, subject to cash deposit of Rs.50,000/- (rupees fifty thousand) in the court below and on deposit of the same, the court below shall release the petitioner, above named, on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Vaishali at Hajipur in connection with Desari P.S. Case No.298 of 2019. However, it is made clear that the petitioner shall



extend full cooperation for early disposal of the trial. In the event the petitioner fails to appear for two consecutive dates in the court below without any cogent reason, the court below shall be at liberty to cancel the bail.

The cash deposit of Rs.50,000/- (rupees fifty thousand) shall abide by the final outcome of the pending criminal case.

(Anjani Kumar Sharan, J)

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