

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23165 of 2021

Arising Out of PS. Case No.-245 Year-2017 Thana- BALIYA District- Begusarai

SUBHASH RAI S/O LATE BIRANCHI RAI R/O VILLAGE-NAURANGA
DIARA, P.S.-BALLIA, DISTRICT-BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raj Kumar, Adv. Mr.Rai Mukesh Sharma, Adv. Mr.Rajnish Kumar, Adv. Mr.Vijay Kumar, Adv. Mr.Pushpendra Kumar Singh, Adv.
For the Opposite Party/s :		Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-10-2021 Heard the parties.

The petitioner seeks bail in connection with Ballia P.S. Case No.245 of 2017 registered for the offence punishable under Sections 447, 341, 342, 364/34 of the Indian Penal Code.

The prosecution case in short is that while the informant's husband was feeding cattle at his door, 15 FIR named accused persons armed with rifle and pistol came there and surrounded him. Thereafter on the point of gun, all accused persons took him towards West of his house. It is alleged that accused persons have kidnapped her husband with a view to kill him.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. It



appears from perusal of the FIR that the petitioner is neither named nor suspicion raised against him in the FIR. There is no specific overt act against the petitioner rather the allegations are general and omnibus in nature. There is no eye witness in the present case, only on mere suspicion, on confessional statement of co-accused, petitioner has been made accused in this case. Similarly situated co-accused Murari Singh and Upendra Yadav have been granted bail vide order dated 03.05.2019 passed in Cr. Misc. No.16586 of 2019 and 01.08.2019 passed in Cr. Misc. No.46489 of 2019 respectively by co-ordinate benches of this Court. The petitioner has six criminal antecedent and has been languishing in custody since 28.11.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, in connection with Ballia P.S. Case No.245 of 2017, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is



relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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