

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6020 of 2021

Arising Out of PS. Case No.-415 Year-2019 Thana- GAIGHAT District- Muzaffarpur

RAJA KUMAR S/o Baidya Nath Rai Resident of Village-Bathaul, P.S.-
Nanpur, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Bela Singh

For the Opposite Party/s : Mr.Mukesh Kr. Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-04-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four 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 connection with Gaighat P.S. Case No.415 of 2019, G.R. No.6268 of 2019 registered for the offence punishable under Sections 395, 397 and 412 of the Indian Penal Code.

As per the prosecution case, while the informant was going on his loaded Bolero Pickup, near village Baruari, 9 miscreant on three motorcycles came, surrounded him, and



assaulted him. It is further alleged that on point of pistol they looted his Pickup loaded with ghee, his mobile, purse with seven thousand rupees, voter card, two photo, and mobile phone of his khalasi.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case and has not committed any offence as alleged in the FIR. He is neither named in the F.I.R. nor was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. He has been named only on the basis of confessional statement of co-accused Atama Ram Thakur, who has already been granted bail vide Cr.Misc. No.16635 of 2020 dated 03.06.2020. Other similarly situated co-accused persons namely Vishwanath Ray and Sobhit Rai @ Sovit Rai have also been granted bail vide orders dated 04.09.2020 and 10.07.2020 passed in Cr. Misc. No.21891/2020 and Cr. Misc. No. 21906 of 2020 respectively. The petitioner has been languishing in custody since 11.02.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, 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 Additional Chief Judicial Magistrate, 15th, Muzaffarpur in connection with Gaighat P.S. Case No.415 of 2019, G.R. No.6268 of 2019, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(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.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

