

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31861 of 2020

Arising Out of PS. Case No.-555 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

Sudarshan Rai, aged about 35 years, Gender-Male, Son of Late Lakshmi Rai
Resident of Village - Rup Chapra, (Marehar), P.S.- Sahebgaj, District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate
For the State : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 04-01-2021

Heard Mr. Raju Kumar, learned counsel for the
petitioner and Mr. Ram Anurag Singh, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with
Sahebgaj PS Case No. 555 of 2019 dated 22.12.2019, instituted
under Section 392 of the Indian Penal Code.

3. The allegation against the petitioner, though not
named in the FIR, is that he was one of the persons who came
on three motorcycles and looted the motorcycle of the
informant, his mobile, helmet, gold ring worth Rs. 12,000/- and
cash Rs. 4600/- and some important documents.

4. Learned counsel for the petitioner submitted that
besides not being named in the FIR, there is no recovery from



him. It was further submitted that no Test Identification Parade (TIP) has been held and the petitioner has been falsely implicated only on the basis of confessional statement of co-accused Jai Prakash Tiwari and is in custody since 26.02.2020.

5. Learned APP submitted that the co-accused has taken the name of the petitioner and he was involved in the crime.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, West, Muzaffarpur in Sahebgaj PS Case No. 555 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The



petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. However, this order is subject to the main application supported by affidavit being *e* filed in this Court by learned counsel for the petitioner latest by day after tomorrow.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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