

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50947 of 2021

Arising Out of PS. Case No.-1052 Year-2019 Thana- NAGAR District- Vaishali

SUBHASH RAY Son of Nagendra Ray @ Godhi Ray Resident of Village -
Gandhi Ashram, P.S.- Hajipur Town, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rajendra Narain, Sr. Advocate
For the Opposite Party/s :	Mr. Sanjay Kumar, A.P.P.
	Mr. Pratik Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 27-10-2021 Heard Mr. Rajendra Narain, learned senior counsel
for the petitioner and Mr. Sanjay Kumar, learned Additional
Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Hajipur Town P.S. Case No. 1052 of 2019 registered for the
offences punishable under Sections 395 and 397 of the Indian
Penal Code.

This is second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier the bail application
of the petitioner was rejected by this Court vide order dated
18.01.2021 passed in Cr. Misc. 30126 of 2020 with liberty to
renew his prayer for grant of regular bail after six months.

The allegation, as per First Information Report, is that



6-7 unknown miscreants entered into the office of Muthoot Finance Company, Hajipur, and looted a huge amount of gold weighing 55.777 Kilograms and cash of Rs.50,000/- on the gun point.

Learned senior counsel for the petitioner submits that the petitioner is not named in the First Information Report and his name has transpired on the basis of confessional statement of co-accused Mukul @ Priyaranjan Kumar. Learned counsel further submits that no incriminating material or looted property has been recovered from possession of the petitioner and except the confessional statement of co-accused, no material is there to connect the petitioner in the present offence. Learned counsel referring to paragraph-14 of the bail application submits that several similarly situated co-accused persons and the persons from whose possession the looted material were recovered, have been granted bail by this Court.

This Court by an order dated 03.06.2020 had called for a report from the trial court regarding stage of trial and in pursuance thereof, the report of learned 4th Additional Sessions Judge, Hilsa, Nalanda, dated 24.6.2020 is on record.

Learned senior counsel for the petitioner referring to the charge sheet submits that altogether 14 charge sheet



witnesses are there. However, from the report of the learned court below it appears that total number of charge sheet witnesses are seven out of which one witness has been examined.

In view of the submission made by the parties and taking into consideration the fact that similarly situated co-accused persons have been granted bail by co-ordinate Benches of this Court and no looted article has been recovered from possession of the petitioner as well as the trial is not likely to be concluded in near future, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Vaishali at Hajipur, in connection with Sessions Trial No. 172 of 2020 arising out of Hajipur Town P.S. Case No. 1052 of 2019.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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