

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4970 of 2021

Arising Out of PS. Case No.-23 Year-2018 Thana- MAHINDWARA District- Sitamarhi

Saroj Rai aged about 21 years (male) Son of Baleshwar Prasad Yadav resident
of village - Batrauli , P.S- Mahindwara Distt- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Sri Krishna Pd. Singh, Sr.Adv. Mr.Ashhar Mustafa
For the Opposite Party/s :		Mr. Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5. 05-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Mahindwara P.S. Case No. 23 of 2018, registered for the offence under Section 386, 387 of the Indian Penal Code.

As per the prosecution case, on 27.12.2018 in the morning, when the informant came out of her house, she found a letter-envelope, through which, a demand of Rs. Ten lacs was made in the name of *Bhartiya Communist Party (Maoist)*. Later on, ransom was also demanded on informant's mobile phone and FIR was registered against unknown.

It is submitted on behalf of petitioner that name of petitioner has come on the basis of confessional statement of co-



accused Monu Kapad @ Manish Kumar, who has already been enlarged on bail. During investigation, the said SIM No. was found to be registered in the name of one Kaushal Rai and not of the petitioner. It is further submitted that as per paragraph – 3 of the petition, though petitioner has got criminal antecedent and he is accused in as many as seventeen cases, but in all the cases, either he is on bail or he has been acquitted. Similarly situated co-accused Rakesh Rai has already been granted bail by this Court, vide order dated 14.12.2020 passed in Cr.Misc. No. 26118 of 2020. Petitioner is in custody since 02.08.2020. Chargesheet has already been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the rival submissions of the parties and the materials available on record, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Sitamarhi in connection with Mahindwara P.S. Case No. 23 of 2018, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the



court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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