

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11687 of 2021**

Arising Out of PS. Case No.-212 Year-2019 Thana- BHAGWANPUR District- Vaishali

Shekhar Rai, Son of Maheshwar Rai, Resident of Village - Lodipur, P.S.-
Goraul, District – Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Permanand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 26-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within four
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 392 of the Indian Penal
Code, but charge has been framed under Section 395 of the
Indian Penal Code.

Prosecution case, in brief, is that on 14.08.2019 when
the informant was coming Muzaffarpur, from Gaya by Bullet
Motorcycle. During journey at Chatra bridge, four unknown
miscreants indicated the informant to stop the motorcycle by
showing pistol to which he stopped his motorcycle. After which



all the miscreants started abusing and assaulting the informant. The miscreants snatched cellphone, driving license, Aadhar Card, Pan Card/ESIC Card, Credit Card, ATM Card and cash Rs.10,000/- from the informant and his colleague who was with the informant on his motorcycle.

Learned counsel for the petitioner submits that vide order dated 09.12.2020 in Cr. Misc. No.27537/2020, a liberty was granted to the petitioner to renew his prayer for bail after framing of charge. He further submits that charge has been framed against the petitioner vide order dated 12.11.2020.

Learned counsel for the petitioner further submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR, FIR registered against unknown persons. There is no any incriminating articles has been recovered from the possession of the petitioner and there is no T.I. Parade till date. The petitioner is languishing in judicial custody since 12.12.2019. The petitioner has got 06 criminal antecedents, which is mentioned in para 3 of the bail petition.

Learned APP for the State vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of



the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Sessions Trial No. 167/2020 arising out of Bhagwanpur P.S. Case No. 212/2019 to the satisfaction of learned Court below where the case is pending/ successor court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated 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 proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the



investigation, if not already concluded and make himself available as 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)

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