

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16304 of 2021**

Arising Out of PS. Case No.-89 Year-2020 Thana- KHAGAUL District- Patna

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MANAGER RAI S/O SRI BHAGWAN RAI R/O MOHALLA-DIDARGANJ
NICHLA TOLA, P.S.-DIDARGANJ, DISTRICT-PATNA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sarvan Kumar,Advocate

For the Opposite Party/s : Ms.Veena Kumari Jaiswal,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 30-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.
Veena Kumari Jaiswal, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Khagaul P.S. Case No. 89 of 2020
registered for the offences punishable under Section 392/34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
allegation against the petitioner is that he along with three
accused persons overtook the Alto Car of the informant and on
the point of pistol, the accused persons took away the key of
Alto car and purse of the informant.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused. It is further submitted that there is no recovery from the possession of the petitioner. The petitioner is in custody since 20.08.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner the name of the petitioner has transpired in the confessional statement of the co-accused, however, the recovery of the Alto car has been made on the basis of the confessional statement of co-accused Bhushan Kumar, so far as the present petitioner is concerned, he has not been identified and there is no recovery from his possession, so far as three cases stated in paragraph '3' are concerned, the petitioner has been granted bail in all the cases and to this effect an affidavit may be filed in the learned court below while submitting the bail bond, the petitioner is in custody since 20.08.2020, investigation against him is complete but the trial is not likely to be concluded in near future, in the circumstances, this Court directs release of the



petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Danapur, District-Patna in connection with Khagaul P.S. Case No. 89 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During the Pandemic Period'.

