

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11039 of 2021

Arising Out of PS. Case No.-107 Year-2020 Thana- SARAIYA District- Muzaffarpur

KAMEHWAR RAI @ ZILA RAI, S/O LATE SUKHDEO RAI, R/O
VILLAGE-BAKATPUR, P.S-RAJAPAKAR, DISTRICT- VAISHALI AT
PRESENT RATWARA PAJHAULIYA, P.S-SADAR, DISTRICT-
MUZAFFARPUR. Petitioner/s

Versus

THE STATE OF BIHAR. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 05-08-2021 In view of sudden resurgence of COVID–19 infection

there is limited functioning of the High Court and therefore the

matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the
learned APP for the State.

This Court would expect that the petitioner’s Counsel
would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

Petitioner seeks bail in Saraiya P.S. Case No. 107 of
2020 registered for offence punishable under section 395 of the
Indian Penal Code.

As per the prosecution case, on 18.02.2020 at about
2:30 PM, 6-7 unknown miscreants, armed with pistol/katta,
entered into the branch of Utkarsh Small Finance Bank and



looted away cash worth Rs. 8,04,030/- (Rupees eight lacs, four thousand and thirty) and fled away on three motorcycles.

The learned counsel for the petitioner submits that the petitioner is not named in the FIR. The name of the petitioner has surfaced during course of investigation on the basis of confessional statement of co-accused, who has already been allowed bail by a Coordinate Bench of this Court in Cr. Misc. No. 28933 of 2020. He further submits that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 01.06.2020. It is further submitted that the petitioner is an accused in another case i.e. Saraiya P.S. Case No. 111 of 2020 registered for offence punishable under section 399, 402, 414 of the Indian Penal Code. Lastly, it is submitted that neither any recovery of the looted cash amount has been made from the petitioner nor the test identification parade has been held so as to connect the petitioner with the alleged crime.

Per contra, the learned APP for the State vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties and taking into account the fact that no test identification



parade has been held so as to connect the petitioner with the alleged crime and moreover, the F.I.R. is against unknown miscreants as also the petitioner is languishing in custody since 01.06.2020, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, West Muzaffarpur in connection with Saraiya PS case no. 107 of 2020, , subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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