

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3526 of 2022

Arising Out of PS. Case No.-211 Year-2019 Thana- GUTHANI District- Siwan

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Rajnish Rai @ Rajnish Kumar Rai @ Master @ Sunny @ Himnashu S/O
Purushottam Rai R/O Village- Khalwa, P.S.- Nautan, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ayush Kumar

For the Opposite Party/s : Mr. Md. Mushtaque Ahamd

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 28-11-2022 Heard Ld. counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in connection with Guthani

P.S. Case No. 211 of 2019, registered for the offences

punishable under Section 392 of the Indian Penal Code.

The prosecution case as emerges from the FIR is

that when the informant was returning from a function at

09.00 P.M., near Tekniya Kutti and Tekniya Village, in

between the over bridge, four unknown miscreants on two

motorcycles came and assaulted him with hockey stick upon

his head due to which he fell down and thereafter they

looted his motorcycle, Mobile Phone and two thousand in



cash.

Ld. counsel for the petitioner 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. He also submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that till date no Test Identification Parade has been conducted.

The petitioner has been languishing in jail since 25.02.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in eight more cases.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Special Judge Excise, Saran in connection with Guthani P.S. Case No. 211 of 2019 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal



antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

Learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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