

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5287 of 2022

Arising Out of PS. Case No.-299 Year-2021 Thana- DUMRAO District- Buxar

AKSHAY LAL RAI Son of Jhanjhatu Ray @ Ram Lal Ray Resident of
Village - Baraki Bharauli, P.s.- Nawanagar, Distt.- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Dumraon
P.S. Case No. 299 of 2021 registered for the offence under
Section 395 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 23.11.2021.

The allegation against the petitioner is to commit
dacoity, while so taken away cash of Rs. 7,00,000/-, golden
jewellery, mobile phone, etc. from Utkarsh Smart Finance Bank,
where the informant was employed as Guard.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused after apprehending in Dumraon P.S. Case No. 326 of 2021. It has further been submitted that the petitioner is man of clean antecedent and further no TIP has been conducted under Section 54(A) of the Cr.P.C. It has further been submitted that nothing incriminating material has surfaced during course of the investigation, which may connect the petitioner with the present set of occurrence and moreover charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that name of the petitioner surfaced on the basis of confessional statement of co-accused.

Considering the facts and circumstances as mentioned above, as the name of the petitioner surfaced on the basis of the confessional statement of the co-accused, leading no recovery, which may connect or incriminate the petitioner with the present set of occurrence coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Dumraon P.S. Case No. 299 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, subject to the following conditions:

“(i) *Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.*

(ii) That one of the bailors shall be Md. Jhanjhatu Ray @ Ram Lal Ray, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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