

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19827 of 2021**

Arising Out of PS. Case No.-237 Year-2020 Thana- MINAPUR District- Muzaffarpur

Ragho Rai @ Raghu Rai S/O Rajmangal Rai R/O Village- Hansaur P.S
Belsand District Sitamadhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER**

11 31-03-2022 The applicant/accused in Crime No. 237 of 2020 registered with Minapur Police Station for the offences punishable under Sections 399, 386, 411, 120B read with Section 34 of the Indian Penal Code as well as Sections 25(1-b)a, 26, 35 of the Arms Act and Sections 17, 18, 19, 20 of the U.A.P. Act, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that in all three persons were apprehended by police. Out of those three persons, two namely, Sanjeev Kumar and Pramod Kumar are directed to be released on bail by a coordinate Bench of this Court vide order dated 24.05.2021 and 14.06.2021. It is further argued that there is no independent witness with the prosecution and the



applicant is falsely implicated in the subject crime.

The learned Additional Public Prosecutor relying on the counter affidavit opposed the application and further contended that there are 12 criminal cases in respect of serious offences against the present applicant whereas there was no such situation so far as other co-accused are concerned.

I have considered the submissions so advanced and also perused the materials placed on record.

The subject crime was registered on the basis of report lodged by the police officer Raj Kumar of Minapur police station. He along with his colleagues conducted raid on the basis of secret information, which was to the effect that members of Maoist group are extorting money towards levy imposed by the Naxals, at the instance of their leaders, namely, Lal Babu, Uma Shankar and Malika. At Gangti square, three accused persons including the present applicant came to be arrested. From applicant Ragho Rai one country-made revolver having one bullet therein as well as some pamphlets North Bihar West Zone Committee of the Communist Party (Maoist) came to be seized. After investigation from the accused persons it revealed that they were attempting to recover levy from Contractor Banshlal Sah



and in fact they had extorted an amount of Rs.1.5 lacs.

While granting bail to co-accused Sanjeev Kumar vide order dated 24.05.2021 it is mentioned that considering the facts and circumstances of the case the applicant is released on bail. His criminal antecedents, if any, are not mentioned in the order. So far as co-accused Pramod Kumar is concerned, while granting bail to him vide order dated 14.06.2021 the coordinate Bench of this Court has noted that prior to the incident in question, the applicant therein was not involved in any criminal case. However, in the case in hand, paragraph-3 of the application itself gives checkered history of criminal antecedents at the credit of the present applicant which includes several crimes registered for the offences under Section 302 of the Indian Penal Code. As per the affidavit of the State in all twelve such offences are already registered against the present applicant. In this view of the matter, this Court is not assured of the fact that after released on bail the applicant would not commit any further offence.

Considering the nature and gravity of the offences alleged against the present applicant no case of grant of bail is made out. The application is accordingly rejected.

Needless to mention that all these observations



made in this order are prima facie in nature and shall not for any bearing on the trial. It is expected of the trial Court to expedite the trial as the applicant is an under trial prisoner and to finish within a period of one year from today.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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