

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16267 of 2022

Arising Out of PS. Case No.-86 Year-2015 Thana- HAJIPUR SADAR District- Vaishali

Bimal Rai Son of Late Ramdeo Rai Resident of Village Bihjadi, P.S. - Desari
(Sahdei Buzurg O.P.), District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sachchidanand Choudhary, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 26-07-2022 Heard learned counsel for the petitioner and the
State.

The petitioner is in custody in connection with
Hajipur Sadar P.S. Case No. 86 of 2015 under section 392 of the
Indian Penal Code.

The allegation in the FIR is that a loaded pick-up van
was looted by the accused persons in 2015 worth Rs. 1,50,000/-.
Further allegation in the FIR is that both the driver and cleaner
were assaulted and dropped at the road side and the accused
persons took away the loaded vehicle along with them
thereafter.

Subsequently, during the course of investigation,
name of the petitioner cropped up. The matter is of 2015 and the
petitioner finally chose to come into judicial custody in 2022



and as such this Court was initially not inclined to grant him the privilege of bail.

Learned counsel for the petitioner by way of supplementary affidavit has brought attention to the Court that he was a crippled person and as such was unable to move which led to his delayed judicial custody and he is paying for the sins of his son.

The absence of the petitioner has definitely delayed the conclusion of the trial. However, taking into account that he is 73 years of age and as per supplementary affidavit he is not good in health, charge-sheet stands submitted and he is in jail since 11.1.2022 (as stated in para 12 of the bail application), this Court is intends to release him on bail with strict conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 15,000/- (Fifteen thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No. 86 of 2015 subject to the following conditions:

(i) Both the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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