

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19779 of 2022

Arising Out of PS. Case No.-309 Year-2017 Thana- CIVIL LINE District- Gaya

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BALI RISHI @ BALI RIKIYASHAN @ LULHA @ RAMBALI BHUIYAN
SON OF FAKIR CHAND MANJHI R/O VILLAGE- MAHMADPUR, P.S.-
SHERGHATI, DISTRICT- GAYA Petitioner/s

Versus

The State of Bihar BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Civil Lines P.S. Case No. 309 of 2017 registered for the offence
punishable under Section 395 of the Indian Penal Code.

As per prosecution case, the informant in his
fardbeyan alleges that he is Branch Pramukh of U.A.E.
Exchange and Financial Services Limited and on 18.07.2017 he
was busy in his duty, then six unknown miscreants came, out of
whom four miscreants were armed with pistol and looted cash
Rs. 1,24,625/-, golden ornaments, foreign currency and other
articles kept in the Bank after taking in possession the
informant, his staffs and customers on the point of pistol and



also looted cash Rs. 1700/-, AADHAR Card and cheque book of four banks from the informant. During course of fleeing, miscreants also snatched D.V.R. or C.C.T.V. and cut the wire of camera. The FIR has been lodged against unknown and the name of the petitioner has been transpired during the course of investigation on the confessional statement of co-accused Vinay Kumar @ Habbu Sao and Gurucharan Chouhan @ Lambu.

Learned counsel for the petitioner submits that petitioner is languishing in jail custody since 30.09.2021 and he has been remanded in the present case from Sherghati P.S. Case No. 353 of 2020. Petitioner bears criminal antecedent of one case in which he is on bail. He further submits that name of the petitioner has come on the confessional statement of co-accused Gurucharan Chauhan @ Lambu and Binay Kumar @ Habbu Sao, who have already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. Nos. 3754 of 2018 and 59724 of 2017 respectively. He further submits that charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that petitioner has not been put on TIP nor anything has been recovered either from his possession or from his house.

The learned A.P.P. for the State opposes the prayer for



bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge**, 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, Gaya in connection with Civil Lines P.S. Case No. 309 of 2017, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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