

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20320 of 2022

Arising Out of PS. Case No.-629 Year-2021 Thana- SIKARPUR District- West Champaran

RATNESH KUMAR RAI S/o Tulsi Rai R/o village- Maheshpur, Ward No. 12, P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-07-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 394 of the Indian Penal Code.

As per allegation, on the alleged date and time of the occurrence, the informant along with his owner Baljit Singh was coming on a motorcycle after taking dues amount and then accused persons came and forcibly stopped the motorcycle due to which informant fell down and thereafter said accused persons assaulted the informant and snatched away bag containing Rs 2 lakh.

The main submissions advanced by the learned counsel for the petitioner are that petitioner is not named in the FIR and his name surfaced in the confessional statement of co-accused Bhaskar



Kumar Choubey and as per prosecution a bag containing Rs 50,000/- is said to have been recovered from the possession of the petitioner along with mobile phone and the prosecution alleged the said recovered articles to be a part of the looted articles of the present case but after recovery, said articles were not put on TI parade by the police or prosecution agency due to which said articles could not be ascertained finally as looted articles of the informant. Further submission is that petitioner has got no criminal antecedent and has been languishing in jail since 13.11.2021 and investigation has been completed in respect of the petitioner.

Learned APP has opposed the prayer for bail.

Having considered petitioner's clean antecedent as well as case being at initial stage of trial and also petitioner's plea that articles which are alleged to have been recovered from his possession have not been put on TI parade and without getting TI parade police has submitted charge sheet, in my view, a lenient approach may be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bettiah, West Champaran in Shikarpur P.S Case No. 629 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below



and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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