

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30110 of 2022**

Arising Out of PS. Case No.-30 Year-2016 Thana- BARACHATTI District- Gaya

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RAGHUBIR @ RAGHUBIR KUMAR @ RAGHUVVEER KUMAR son of
Late Mahadev Sao Resident of Village - Kalauva Kala, Police Station -
barachatti and District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate.

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-08-2022 Today this case has been listed on the motion slip
filed by the learned counsel for the petitioner.

Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Manish Kumar No. 2, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Barachatti P. S. Case No. 30 of 2016
registered for the offences punishable under Sections 341, 323,
504, 379, 387 read with 34 of the Indian Penal Code.



As per the prosecution case, it is alleged that on 22.12.2015 while the informant was going to Ahmedabad after loading iron rod on his truck and when he reached at Barachatti, one Bolero vehicle took over his truck and the miscreants asked him to pay Rs. 8000/- as extortion. It is further alleged that thereafter, he was forcefully asked to sit in the Bolero vehicle, one of the miscreants fled away with the truck and after some time he was got down from the said bolero vehicle.

Learned counsel appearing on behalf of the petitioner submitted that with regard to the occurrence which took place on 22.12.2015, the present F.I.R. has been instituted on 03.02.2016 and surprisingly no plausible reason has been given for the delay. It is further submitted that from the tenor of the F.I.R. it is evident that the informant came to know about the name of the petitioner, as some miscreants were talking to each other by taking the name of the petitioner. It is next submitted that the petitioner has never been put on Test Identification Parade nor any incriminating material has been recovered though he is in custody since 10.02.2022. It is lastly submitted that in fact, only because of the past criminal antecedent of the petitioner his name has been implicated in this case.

On the other hand, learned APP for the State



opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the nature of allegation as well as delay in lodging of the F.I.R., let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachatti P. S. Case No. 30 of 2016, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal



antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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