

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41929 of 2021**

Arising Out of PS. Case No.-230 Year-2018 Thana- DARIYAPUR District- Saran

SHIKARI RAI @ NAND KISHORE YADAV /RAI Son of Ravindra Rai
Resident of Village - Akhtiyarpur, P.S. - Garkha, District - Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

4 07-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 06.11.2018, seeks
regular bail in connection with S. Tr. No. 189 of 2020 arising
out of Dariyapur P.S. Case No. 230 of 2018 dated 23.07.2018
registered for offences punishable under Section 396 of the
Indian Penal Code and Section 27 of the Arms Act.

Prosecution story in brief is that six unknown
miscreants, riding on two motorcycles, having dashed the
motorcycle of the informant resulting in him falling down on the
ground, whereafter they are stated to have looted cash
amounting Rs. 2,82,000/- from his pocket and then fled away. It



is further alleged that some of the miscreants had fired gun shots on the brother of the informant due which he had died.

Learned counsel appearing on behalf of the petitioner submits that petitioner is not named in the FIR. Petitioner is innocent and has falsely been implicated in the present case. Similarly situated co-accused Ankit Goswami @ Ankit Kumar Goswami has been granted regular bail by a co-ordinate Bench of this Court vide order dated 30.09.2019 passed in Cr. Misc. No. 48537 of 2019. Another co-accused Rupesh Jha @ Golu Jha has been granted bail vide order dated 24.02.2021 passed in Cr. Misc. 15710 of 2020, Deep Sahni @ Deep Kumar Sahni has been granted bail vide order dated 06.01.2021 passed in Cr. Misc. No. 16932 of 2021 and Chandu @ Chandrakhet has been granted bail vide order dated 25.06.2021 passed in Cr. Misc. No. 12104 of 2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the facts and circumstances of the case, taking into account the materials available in the case diary, there is minuscule evidence is available on record so as to suggest the complicity of the petitioner in the alleged occurrence, the petitioner above named, is directed to be



enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-X, Saran in connection with S. Tr. No. 189 of 2020 arising out of Dariyapur P.S. Case No. 230 of 2018 dated 23.07.2018 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The petitioner will make his attendance before the concerned police station under which his house is located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the



**concerned SHO of the police station shall submit his
monthly attendance report to the Superintendent of Police
having jurisdiction.**

(Purnendu Singh, J)

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