

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43667 of 2021

Arising Out of PS. Case No.-316 Year-2018 Thana- CHAPRA MUFFASIL 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 Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Chandra Mishra, Adv. Mr.Md. Nurul Hoda, Adv.
For the Opposite Party/s :		Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with S. Tr. No. 588/
2019 arising out of Chapra Muffasil P.S. Case No. 316/ 2018
registered for the offences punishable under Sections 395, 397
of the IPC and Section 27 of the Arms Act.

The prosecution story, in brief, is that on 05.08.2018
while the informant alongwith his driver was returning after
collecting money, some criminals on the point of pistol, took the



mobile of the informant, broken the glass of his vehicle and opened fire upon his driver causing injury to him and after that the miscreants took away cash of Rs. 12,0000/-

Learned counsel for the petitioner submits that petitioner is not named in the FIR and he has falsely been implicated in the present case only on the basis of confessional statement of co-accused. He further submits that nothing has been recovered from conscious possession of the petitioner or from his house. He further submits that till today no TIP has been conducted by the prosecution. He further submits that co-accused Sunny Mian @ Sunny Ansari has been granted bail by a co-ordinate Bench of this court vide order dated 28.08.2019 passed in Cr. Misc. No. 42959 of 2019. Similarly, co-accused Munna Mian @ Danish Eqbal has been granted bail by a co-ordinate Bench of this court vide order dated 16.11.2019 passed in Cr. Misc. No. 50500 of 2019. Similarly, co-accused Sandip Kumar Ojha @ Sandeep Ojha has been granted bail by a co-ordinate Bench of this court vide order dated 28.02.2020 passed in Cr. Misc. No. 11763 of 2020 and petitioner is in custody since 01.02.2019.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries five criminal



antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Additional Sessions Judge-5, Saran in connection with S. Tr. No. 588/ 2019 arising out of Chapra Muffasil P.S. Case No. 316/ 2018, subject to 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 and shall remain physically present as directed by the court 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. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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