

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36634 of 2022

Arising Out of PS. Case No.-334 Year-2019 Thana- GAIGHAT District- Muzaffarpur

Mohan Rai @ Sanjay Rai Son Of Late Rambabu Rai Resident Of Village-
Mohammadpur Sura, P.S.- Gaighat, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-09-2022 Heard learned counsel for the petitioner and

learned counsel for the State.

Let the defect(s), if any, as pointed out by the
office be removed within four weeks.

The petitioner is in judicial custody in connection
with Gaighat P.S. Case No. 334 of 2019 for the offences
under Section 395 of the Indian Penal Code.

As per the prosecution story, the informant has
alleged that while he was going from Forbisganj to Chapra
by his Pickup van, he was intercepted by the accused persons
who finally took away the van along with his mobile and
cash.

Learned counsel submits that he has not been
named in the FIR rather his name has come in the



confessional statement of co-accused Raja Kumar alias Raja Babu. His further submission is that he is in custody since 12.8.2021 but no T.I. parade has been done neither anything has been recovered/seized from his conscious possession. It is his last submission that he is ready to abide by all the terms and conditions, if released on bail.

Considering the fact that he is in custody since 12.8.2021, no T.I. parade has been done nor anything has been recovered/seized from his conscious possession, charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail subject to payment of Rs.15,000/- to the Bihar State Legal Services Authority, Patna.

Let the petitioner be released on bail on furnishing bail bond of Rs. 15,000/- (Fifteen Thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge 20, Muzaffarpur, in connection with Gaighat P.S. Case No. 334 of 2019 subject to the following conditions:-

(i) After release, he shall leave the district of Muzaffarpur for a period of two months and failure to do so will entail cancellation of his bail bonds. He shall further mark his presence in the Police Station (in whose jurisdiction



he will reside for one month) every week till his stay.

(ii) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iv) upon return to the district of Muzaffarpur, he shall appear before the concerned Police Station (Gaighat) every month till the conclusion of trial to mark his presence;

(v) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail



application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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