

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45844 of 2021

Arising Out of PS. Case No.-793 Year-2020 Thana- MADHAURAH District- Saran

Rajeev Pratap Singh, S/O Ram Lachan Singh @ Ram Lakhan Singh, R/O
Village- Hathisar, P.S- Marhaura, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 11-05-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Sessions Trial No. 16 of 2021, arising out of Marhaura (Gaura O.P.) P.S. Case No. 793 of 2020, for the offences punishable under Sections 395/34 of the Indian Penal Code. Later on, Section 412 of the Indian Penal Code has been added.

As per prosecution case, it is alleged that on 08.09.2020 while the informant was going along with his Tractor loaded with sand, two persons came and purchased the



sand and asked him that the said tractor will be unloaded at Narharpur village by assuring to give Rs.9500/-. When they reached near Narharpur, one Scorpio overtook the said tractor and three persons along with the driver brought him near the said vehicle and threatened him on the point of Katta. It is further alleged that all of them wore mask and two persons fled away with his tractor loaded the sand.

It is submitted on behalf of the learned counsel for the petitioner that the F.I.R. has been instituted against unknown miscreants. However, during the course of investigation, the name of the petitioner has transpired as one of the accused, who with the help of one Dabloo Singh has unloaded the sand in front of the door of Madan Singh and from the door of Madan Singh the said tractor was seized. It is further submitted that no incriminating material has been recovered from the person or possession of this petitioner, moreover, neither the sand nor the tractor has been recovered from the possession of the petitioner. It is next submitted that the charges have been framed against the petitioner and other accused persons and the petitioner is in custody since 10.09.2020 and he is ready to cooperate in the trial.

On the other hand, learned Additional Public



Prosecutor for the State opposes the bail application and submits that during the course of investigation the complicity of the petitioner has transpired and moreover this petitioner has been found involved in three other cases.

Having considered the submissions made on behalf of the parties and taking into consideration this fact that the petitioner is not named in the F.I.R. and no incriminating/stolen property has been recovered from the person or possession of this petitioner and he is in custody since 10.09.2020, apart from the fact that the petitioner gives undertaking that he will cooperate in the trial, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-IX, Saran at Chapra in connection with Sessions Trial No. 16 of 2021, arising out of Marhaura (Gaura O.P.) P.S. Case No. 793 of 2020, subject to the condition that one of the bailors will be the close relatives 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.

(Harish Kumar, J)

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