

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45037 of 2021

Arising Out of PS. Case No.-349 Year-2020 Thana- BALIYA District- Begusarai

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RAGHAV KUMAR S/o RAJEEV KUMAR SINGH R/o VILLAGE-
BHAIRBAR, PS-MUFFASIL, DISTRICT-BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sujit Kumar Singh, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 06.02.2021,
seeks regular bail in connection with Ballia P.S. Case No. 349 of
2020 for the offence punishable under Section 395 of the Indian
Penal Code and Section 27 of the Arms Act.

Allegation is that some unknown miscreants looted
Rs.23000/- from the informant and a mobile phone bearing
mobile no. 9122406907 from his associate namely Sujit Kumar
on the point of pistol.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. Neither any incriminating article has been recovered from the conscious possession of the petitioner nor he has been put on T.I. parade. The petitioner is not named in the F.I.R. Petitioner has clean antecedent and he is in custody since 06.02.2021. He further submits that similarly situated co-accused namely Prince Kumar has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 10.01.2022 passed in Cr. Misc. No. 39309 of 2021.

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

Considering the aforementioned facts and circumstances of the case, period of custody of the petitioner as under trial prisoner, petitioner has clean antecedent, there is no chance of completion of trial soon due to COVID-19 and similarly situated co-accused namely Prince Kumar has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 10.01.2022 passed in Cr. Misc. No. 39309 of 2021, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 349 of 2020, subject to the following conditions:-

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

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

(3) 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.

(4) 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 bonds.

(Purnendu Singh, J)

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