

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47297 of 2021

Arising Out of PS. Case No.-11 Year-2017 Thana- ATRI District- Gaya

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Karu Rajbanshi S/o Kishun Rajbanshi @ Brahamdeo Rajbanshi Resident of
Village- Ari Tola- Dinesh Nagar, P.S.- Atri, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 Atri P.S. Case No. 11 of 2017 registered for the offences punishable under Sections 395, 397 of the Indian Penal Code.

According to prosecution case as per F.I.R. that informant alongwith his brother was traveling on a Scorpio Car. The accused persons had laid a tree branch on the road to cause obstruction to the movement of vehicle. When the Scorpio car of the informant reached near the tree branch, it stopped due to obstruction on the road. The accused persons intercepted the car



and they brutally assaulted the informant and other inmates of the Scorpio car with Chhura and Iron rod and they looted the cash amount, ornaments and other valuable articles out of possession of the informant. The police party on the information arrived at the scene of occurrence and arrested co-accused on the spot. Some of the looted articles were recovered from their possession.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired only on the basis of confessional statement of co-accused namely Sanjay Rajbanshi. He further submits that nothing has been recovered from conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Jitendra Rajwanshi has been granted bail by a co-ordinate Bench of this Court vide order dated 11.07.2017 passed in Cr. Misc. No. 29848 of 2017 and another co-accused, namely, Sanjay Rajbanshi has been granted bail by a co-ordinate Bench of this Court vide order dated 09.11.2017 passed in Cr. Misc. No. 52879 of 2017. The



petitioner is in custody since 10.03.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that petitioner carries six criminal antecedent other than the present one.

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 Chief Judicial Magistrate, Gaya in connection with Atri P.S. Case No. 11 of 2017, 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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