

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58328 of 2021**

Arising Out of PS. Case No.-85 Year-2021 Thana- PATORI District- Samastipur

RAKESH RAY @ RAKESH KUMAR S/o- Vijay Ray R/V- Dakshni
Dhamaun, P.S.- Patori, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajit Kumar, APP.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 29-04-2022 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 seeks regular bail in connection with
Patori (Mohanpur O.P.) P.S. Case No. 85 of 2021 for the offence
punishable under Section 395 of the Indian Penal Code.

The F.I.R. of the occurrence of dacoity is against
unknown. Some unknown miscreants are said to have looted the
cash of Rs.40000/- and jewellery worth Rs.2 lacs from the
informant.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner was arrested in Patori (Mohanpur



O.P.) P.S. Case No. 139 of 2021 under Sections 25(1-b), 26, 27 and 35 of the Arms Act and he has been remanded in the present case for offence committed under Section 395 IPC. Petitioner is in custody since 18.06.2021. Nothing has been recovered from his possession or his house. F.I.R. is against unknown. Till date petitioner has not been put on T.I.P. No stolen article has been recovered from possession of the petitioner. It is not the case of the prosecution that petitioner has any relationship with any other accused persons whose name has surfaced in course of investigation. Prima facie no reason to believe that the present petitioner was involved in alleged dacoity is made out.

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 undergone by the petitioner, nature of allegation, no previous relationship has been established of the present petitioner with any of the co-accused whose name has surfaced in course of investigation, no stolen property has been recovered, petitioner has not been put on T.I.P., there is no allegation of tampering with the evidence or influencing the witnesses and trial is not likely to be concluded soon, 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 ACJM-I, Samastipur in connection with Patori (Mohanpur O.P.) P.S. Case No. 85 of 2021, 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.

(5) The petitioner is directed to make his attendance before the concerned police station under which his house is located every fortnightly till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his



**monthly attendance report to the Superintendent of Police
having jurisdiction.**

(Purnendu Singh, J)

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