

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58281 of 2021

Arising Out of PS. Case No.-322 Year-2019 Thana- GAIGHAT District- Muzaffarpur

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SANJAY RAI @ MOHAN RAI S/o - Rambabu Rai Resident of Village-
Mahmadpur Sura, P.S.- Gaighat, District- Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ramchandra Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Arun Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Gaighat P. S. Case No. 322 of 2019 registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code.

As per the prosecution case, it is alleged that some miscreants boarded on a Bolero vehicle took over his motorcycle and forcibly stopped him, thereafter, three persons



came out from the Bolero vehicle armed with revolver, fired on his leg and on the point of pistol, they also snatched Rs. 5000/-, one mobile, Aadhar Card, Driving Licence etc.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not named in the F.I.R. and his name has transpired on the confessional statement of Raja Kumar @ Raja Babu and he has already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 5800 of 2020 vide order dated 05.06.2020. It is also submitted that other co-accused persons, whose names have also surfaced on the confessional statement of co-accused persons, have also been granted bail by different Benches of this Hon'ble Court. The copies of which have been brought on record by way of annexure 2 series. It is further submitted that though, the petitioner is found involved in five other cases but now he is on bail in all the cases and in fact, the criminal antecedent of the petitioner is one of the reason to implicate him in the present case. It is last submitted that the petitioner is in custody since 06.07.2021 and moreover, the investigation of the crime is already completed.

On the other hand, learned APP for the State opposes the bail application, however, he is unable to confront



that the other co-accused persons, having identical allegation, have already been granted bail by different co-ordinate Benches of this Hon'ble Court.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the name of the petitioner has surfaced on the confessional statement of co-accused person and the said co-accused person has already been granted bail by learned coordinate Bench of this Hon'ble court and moreover, the investigation of the crime is already completed, apart from the petitioner is in custody for more than one year, let the petitioner, above named, 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 learned Additional Chief Judicial Magistrate, 15th cum-Sub Judge 16th (East), Muzaffarpur in connection with Gaighat P. S. Case No. 322 of 2019, subject to the condition that one of the bailors will be the close relative 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.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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