

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58673 of 2021

Arising Out of PS. Case No.-57 Year-2021 Thana- SURSAND District- Sitamarhi

Ravi Kumar Raut @ Ravi Raut S/o Ganesh Raut R/o village- Sursand, P.S.-
Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Renuka Ratnakar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 26-09-2022 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 Mr. Uday Kumar, learned counsel for the petitioner and learned APP for the State.

A supplementary affidavit has been filed on behalf of the petitioner, which is kept on record.

The petitioner seeks regular bail, who is in custody in connection with Sursand P.S. Case No. 57 of 2021, registered for the offences punishable under Section 395 of the Indian Penal Code.

The prosecution case is based on a written report filed by the informant alleging therein that on 03.02.2021 at about 01:30 O'clock in the night, five persons entered in the house of the informant and after tying him and his wife looted away



valuables, cash of Rs.5,000/- and ornaments.

It is submitted by the learned counsel appearing on behalf of the petitioner that FIR has been been instituted against five unknown persons, however, during the course of investigation the name of the petitioner has surfaced on the basis of confessional statement of co-accused Chhote Ansari @ Samim Ansari and Shubu Sahani, in connection with Sursand P. S. Case No. 240 of 2021, thereafter, the petitioner was also apprehended in connection with Sursand P. S. Case No. 240 of 2021 and later on remanded in the present case on 19.06.2021 and since then he is in custody. He further submitted that though the petitioner is in custody for more than 1 year and 3 months but till date neither he has been put up on Test Identification Parade nor any incriminating material has been recovered from his person and possession. He also submitted that though at the time of filing of the present bail application the petitioner was named in only one another case but during the pendency of the present application, he has been remanded in six other criminal cases, though the petitioner is on bail in all the cases and in this regard, supplementary affidavit has been filed.

On the other hand learned APP for the State opposed the bail application.



Regard being had to the submissions made on behalf of the parties and considering that the name of the petitioner has been surfaced on the confessional statement of the co-accused and neither he has been put up on Test Identification Parade nor any incriminating material has been recovered, apart from his period of incarceration, 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 learned Judicial Magistrate-1st Class, Pupri at Sitamarhi, in connection with Sursand No. 57 of 2021, 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.



(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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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