

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67856 of 2021

Arising Out of PS. Case No.-196 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Nitish Rai @ Raja, Son of Bhuletan Rai, Resident of Village - Mirpur, P.S. -
Raghopur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma, Advocate
For the Opposite Party/s : Mr.Bishweshwar Ram, Advocate

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 04-04-2022 The applicant is given out of turn hearing on the ground that his wife is at the advance stage of pregnancy. This fact is not disputed by the other side.

The applicant/accused in Crime No. 196 of 2021 registered with Raghopur Police Station for the offences punishable under Sections 457 and 380 of the Indian Penal Code, by this application is seeking his release on bail after filing of the charge sheet.

Heard both sides.

The learned counsel for the applicant submits that except two antecedents in respect of the offences punishable under the Bihar Prohibition and Excise Act, the applicant is not involved in any subject crime including the offence against the property. He is falsely implicated in the subject crime.



The learned Additional Public Prosecutor opposed the application by contending that on the basis of the confessional statement of the applicant, seizure of amount of Rs.10,000/- has been effected.

The investigation of the subject crime is over. The charge sheet has been filed.

It is alleged against the applicant that he along with co-accused had committed lurking trespass at the house of his neighbour and committed theft of Rs.80,000/- as well as golden ornaments.

As the investigation of the subject crime is over and the applicant is not having similar criminal antecedents, I see no reason to refuse bail to him. Therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 196 of 2021 registered with Raghapur Police Station be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from



disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

Bhardwaj/-

(A. M. Badar, J)

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