

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 67697 of 2021**

Arising Out of PS. Case No.-8 Year-2021 Thana- MAJHAULIA District- West Champaran

RAUSHAN KUMAR PANDEY @ BABLU PANDEY S/O PRABHU
PANDEY R/o village- Baithania, P.S.- Majhauria, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Brij Kishor Mishra, Advocate
For the Opposite Party/s : Ms Rita Verma, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 02-06-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioner seeks bail in Majhauria Police Station (for brevity, *PS*) Case No 8 of 2021 registered for the offence punishable under Section 394 of Indian Penal Code and Section 27 of Arms Act.

While the informant, an employee of M/s Rai Traders was on his way along with some cash, it is alleged that he has been stopped by the accused persons who tried to snatch the motorcycle and the money and in the process, one of the miscreants fired upon the informant. Further prosecution case is that when persons assembled there, the name of co-accused Raja



Babu has been stated as being one of the perpetrators who fled away along with others.

At the outset, learned counsel for the petitioner claims parity with co-accused Raja Babu @ Sanny Singh @ Sunny Singh @ Raja Thakur @ Raja Rai, who has been granted bail by this Court in Cr Misc No 47941 of 2021, in the matter of grant of bail, by submitting that the petitioner's case stands on a better footing as he has not been named and subsequently his name has been dragged in the instant case, based only on his criminal antecedents in 3 cases, as per disclosure made in paragraph 3 of the petition. He has not been put on Test Identification Parade and there is no recovery of any incriminating material from his possession to connect him with the alleged occurrence. It is stated that he is in custody in this case since 27.05.2021 and that investigation is complete.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, claim based on parity, period of custody and that prosecution does not allege any recovery from the petitioner, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his



furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah, District – West Champaran in Majhulia PS Case No 8 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

