

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70395 of 2021

Arising Out of PS. Case No.-404 Year-2018 Thana- GORAUL District- Vaishali

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RAVI BHUSHAN RAI @ LADDU RAI @ LADDU S/O PAVITTAR RAI
R/o village- Kartaha Tola, P.S.- Kartaha, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Singh

For the Opposite Party/s : Mr.Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 28-09-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Goraul P.S. Case No. 404 of 2018 registered for the offences punishable under Section 394 of the Indian Penal Code.

As per prosecution case, four criminals armed with pistol and covering their face entered into the shop of informant and caught the informant and assaulted him and by pointing pistol they committed robbery and also took away money and mobile set from the informant.

Learned counsel for the petitioner submits that



petitioner is not named in the FIR and during the course of investigation name of the present petitioner has been surfaced on the confessional statement of co-accused Mantu Kumar. Petitioner is in custody since 18.06.2019. Petitioner bears two criminal antecedents. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Mantu Kumar has already been granted bail vide Cr. Misc. No. 38319 of 2020 and the case of the present petitioner stands on better footing.

Learned counsel further submits that the case of the present petitioner has been rejected vide Cr. Misc. No. 28000 of 2020 in which there is direction that if the trial is not concluded within 9 months from the date of receipt/production of a copy of this order, the petitioner shall have liberty to renew the prayer for bail. He also submits that the delay of trial is not attributable to the petitioner in any way because he is in custody since 18.06.2019.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides, co-accused has been granted bail and also taking into consideration the material



available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – I, Hajipur in connection with Goraul P.S. Case No. 404 of 2018, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(v) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the



concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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