

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22045 of 2022

Arising Out of PS. Case No.-138 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

SHASHI BHUSHAN RAI S/o- Late - Rajgir Rai Resident of Village - Bhisha
Ward No. 1, P.S. Dumra, District - Sitamarhi.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Arjun Prasad, Advocate.

For the State : Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 18-01-2023 The applicant/accused in Crime No.138 of 2020 registered with Police Station-Runnisaidpur for the offences punishable under Sections 302, 394, 307 of the Indian Penal Code as well as under Section 27 of the Arms Act, by this application is seeking his release on bail during the pendency of the trial. This is second attempt to seek bail. Earlier, bail application of the applicant was rejected with a direction to expedite the trial and to finish it within a period of one year with a liberty to the applicant to move afresh, if the trial is not completed within a period of one year. This happened on 15.03.2021.

The learned counsel appearing for the applicant argued that despite lapse of a period of one year, the trial is not concluded. It is further argued that there is no iota of evidence



against the applicant in the crime in question. According to the learned counsel for the applicant that though crime is committed only by three persons as reflected from the F.I.R., four accused persons are already directed to be released on bail by this Court. Nothing was recovered from the applicant and Test Identification Parade of the applicant was not conducted anytime.

The learned A.P.P. opposed the application.

I have considered the submissions so advanced and also perused the materials placed on record.

The F.I.R. of the subject crime was lodged by Urmila Devi widow of Anil Mahto, who died in the incident. It is case of the prosecution that Anil Mahto along with his friend Binay Sah were travelling in the motorcycle with a bag containing gold and silver jewellery. On the way, three persons on the motorcycle accosted them and had looted the bag containing gold and silver ornaments from them. In that process, the robbers fired bullet causing death of Anil Mahto and injury to Binay Sah.

The applicant was not subjected to Test Identification Parade. As reported by the learned counsel for the applicant, nothing was recovered from his possession which may



incriminate him in the crime in question. His name has surfaced on record of investigation on the basis of confessional statement of co-accused. The crime, according to the F.I.R., was committed by three persons whereas four persons, namely, Vijay Sah, Md. Saddam, Sanjay Kumar and Rohit Kumar alias Sonu, who were arrayed as an accused in this case, are directed to be released on bail by the coordinate Benches of this Court. Hence, considering the nature of evidence appearing against the applicant, no case for his further pretrial detention is made out and, therefore, the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.138 of 2020 registered with Police Station-Runnisaidpur for the offences punishable under Sections 302, 394, 307 of the Indian Penal Code as well as under Section 27 of the Arms Act, be released on bail on executing P.R. bond of Rs.20000/-(Rupees Twenty Thousand) and on furnishing two sureties of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or 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 should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should not tamper the prosecution evidence in any manner.

(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 applicant/accused.

(A. M. Badar, J)

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