

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30032 of 2022

Arising Out of PS. Case No.-200 Year-2020 Thana- JANDAHA District- Vaishali

CHANNA RAI @ SRIJ MOHAN RAI Son of Santlal Rai Resident of Village
- Sherpur, Police Station- Jandaha, District - Vaishali (Hajipur).

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Vardhan Narayan

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-01-2023 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
Jandaha P.S. Case No. 200 of 2020 registered for the offences
punishable under Section 392 of the Indian Penal Code.

As per prosecution case, informant alongwith his
staff were going to Andhra Bhar Chowk and in the meanwhile four
miscreants on two motorcycles snatched Rs. 3,18,557/- in cash and
other articles of the informant at the point of pistol and fled away
from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is in custody since 26.02.2022. Petitioner bears



criminal antecedent of eight cases. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits petitioner is not named in FIR. The name of the petitioner has been transpired in this case upon confessional statement of co-accused Rahul Kumar. Except the confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with alleged occurrence. Petitioner is quite innocent and has falsely been implicated in the present case. No T.I.P. has been conducted uptill now. Learned counsel further submits that co-accused Nitesh Kumar has already been granted bail by co-ordinate bench of this Court vide Cr. Misc. No. 38236 of 2021 and the case of present petitioner stands on similar footing.

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, co-accused has already been granted bail by co-ordinate bench of this Court, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, petitioner above named shall be released on bail, after framing of charge on furnishing bail bond



of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Vaishali (Hajipur) in connection with Jandaha P.S. Case No. 200 of 2020, 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 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 of the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate



permission of the court concerned.

However, if petitioner violates any of the conditions,
the concerned court is at liberty to cancel the bail bond of the
petitioner.

(Alok Kumar Pandey, J)

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