

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34143 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- AKILPUR District- Saran

RAKESH KUMAR @ RAKESH RAY Son of Vijay Ray Resident of village -
Salhali, P.S. - Akilpur, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-06-2023 Heard Mr. Dhananjay Kumar Tiwary, learned
counsel for the petitioner and Mr. Jitendra Kumar Singh, learned
APP who represent the State.

The petitioner is in custody since 27.1.2023 in
connection with Akilpur P.S. Case No. 58 of 2022 for the
offence punishable under Sections 341, 323, 324, 354(b), 379,
504, 506/34 of the I.P.C. lodged on 2.11.2022 by the informant
Bebi Devi.

The prosecution story, in brief, is that the informant
lodged a written report before the SHO, Akilpur police station
alleging that on 1.11.2022 at about 8 o'clock, Pappu Rai in a
drunken condition came at her house and started abusing her.
Thereafter, her husband tried to pacify the matter. Further, on
2.11.2022, accused Vijay Rai, Sanjay Rai and Pappu Rai



variously armed with 'lathi-danda' and rod started abusing. When the brother-in-law of the informant, Harendra Rai objected, all the accused persons assaulted him and accused Pappu Rai inserted rod in his mouth. She further alleged that when her daughter came forward to pacify the matter, all the accused persons assaulted her and her daughter and accused Rakesh Rai (the petitioner herein) snatched gold chain from the neck of the informant.

Learned counsel for the petitioner submits that the allegation is of assault on one Harendra Rai as would manifest from the FIR itself whereas the death of Nitesh Kumar took place as per the police report whose name has not even been mentioned in the FIR.

It is his submission that in any case, the allegation of assault is on Vijay Rai, Sanjay Rai and Pappu Rai and so far as this petitioner is concerned, at the fag end, it has been stated that he snatched the gold chain from the Harendra Rai.

Learned APP opposes the prayer but concedes that so far as the death of Nitesh Rai is concerned, there is nothing in the FIR about it.

Be that as it may, since the main allegation of assault is on Vijay Rai, Sanjay Rai and Pappu Rai and only allegation



of snatching gold chain has been attributed against the petitioner, he do not not have criminal antecedent and is in custody since 27.1.2023, this Court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, Saran at Chapra, in connection with Akilpur P.S. Case No. 58 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of hisr bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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