

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37590 of 2023

Arising Out of PS. Case No.-45 Year-2020 Thana- SAMASTIPUR District- Samastipur

Ajay Rai @ Ajay Kumar Rai @ Mahatma Son Of Bindu Rai R/O Village
Musepur, Ps- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 05-07-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with S.T.
No. 07 of 2023 arising out of Samastipur Town P.S. Case
No.45 of 2020, registered for the offences punishable under
Sections 392 of the Indian Penal Code.

The prosecution case as emerges from the FIR is
that on 24.02.2020, the informant/Sanjay Kumar Thakur,
employee of M.K. Traders along with his co-staff were going
to Bank. All of a sudden, three miscreants intercepted them
and looted a bag containing a cash of Rs. 31,75,000/-, a
cheque of Rs. 5,40,000/- and some other valuable articles at



the point of pistol.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR. He also submits that nothing has been recovered from the possession of the petitioner. He also submits that no T.I.P has been conducted as yet.

He further submits that the petitioner has been languishing in jail since 05.04.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in four other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in



the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge-IX, Samastipur, in connection with S.T. No. 07 of 2023 arising out of Samastipur Town P.S. Case No.45 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that



the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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