

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 50416 of 2023

Arising Out of PS. Case No.-228 Year-2019 Thana- BELA District- Sitamarhi

JITENDRA RAY @ JITENDRA KUMAR @ JITENDRA SAH SON OF
LALU RAY RESIDENT OF VILLAGE- JHITKAHIYA, WARD NO. 05, PS-
BATHNAHA, DISTT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 01-09-2023

Heard the parties.

The petitioner is in judicial custody in connection with Bela P.S. Case No. 228 of 2019 registered under Section 392 of the Indian Penal Code lodged on 23.10.2019 by the informant, Pramod Kumar.

As per the prosecution story, the allegation is that the informant who runs customers care service center of the State Bank of India withdrew an amount of Rs. 2,40,500/- and further on next day, he withdrew Rs. 1, 93,000/- and lastly on third day, he withdrew 80000/- totaling Rs. 5,12,000/-. He kept it in a bag and proceeded from Sitamarhi to his Center Naranga. In the bag, besides the amount there was also Transaction Register, ATM Cards, Aadhar Card, Registration Paper of the vehicle, Pan Card



and the Driving License. Later as he was moving he was over taken by six persons on three motorcycles and at the point of pistol, the bag was snatched and they fled towards Naranga. Accordingly, the FIR.

Earlier the case of the petitioner was heard and rejected on 21.04.2022 in Cr. Misc. No. 61454 of 2021.

Again, a fresh application has been preferred whereafter a report was called for, which has since been received vide Letter no. 10/2023 dated 14.08.2023 according to which summons have been issued for appearance and the case is accordingly pending for appearance of the accused persons.

Learned counsel for the petitioner submits that he is not named in the FIR, his name has come in the confessional statement of Vinod Sahni who has since been granted bail vide Cr. Misc. No. 27934 of 2020 by a co-ordinate Bench (Annexure-4 to the petition) and is in custody since 22.07.2021 (as stated in paragraph 17 of the petition).

Learned APP opposes the prayer for bail stating that he has criminal antecedent.

Considering the fact that the petitioner is in custody for last two years and the case is at an early stage and he will be diligently appearing in trial, this Court is inclined to extend him



the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi, in connection with Bela P.S. Case No. 228 of 2019 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial 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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