

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43107 of 2023

Arising Out of PS. Case No.-219 Year-2016 Thana- NAANPUR District- Sitamarhi

GOVIND DEV RAI Son of Late Jagdish Rai R/o Village - Ghosukpur, P.S.-
Tariyani, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, 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 Nanpur P.S. Case No. 219 of 2016 for the offence under Section 395 of the Indian Penal Code lodged on 28.08.2016 by the informant, Asha Choudhary.

As per the prosecution story, the informant alleged that in the night at 11:45 P.M. 5-6 persons entered in her room and after putting a pistol on her, took away her valuable ornaments. It is further alleged that accused persons on the point of pistol asked to open all the rooms and thereafter accused persons after breaking the almirah took away expensive cloths, bag etc. along with Rs. 2 lakhs. Further allegation is that accused persons were aged about 45-50 years while some were between 25-30 years. Accordingly, this led to the lodging of the



present FIR.

Earlier the case of the petitioner was heard and rejected on 21.07.2022 in Cr. Misc. No. 17535 of 2022.

Again, a fresh application has been preferred whereafter a report was called for, which has since been received vide Letter no. 167/2023 dated 04.08.2023 according to which charges have been framed and the case has been fixed for evidence, summons issued but no witness has yet been examined.

Taking into account the facts that the similar placed co-accuseds namely, Bachchu Sahni, Akhilesh Sahni and Ranjit Sahni have since been granted bail vide Cr. Misc. No. 9703 of 2017, Cr. Misc. No. 28982 of 2017 and Cr. Misc. No. 8148 of 2019 respectively, is in custody since 29.12.2021 and the trial is at an early stage, 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 S.D.J.M., Pupri at Sitamarhi, in connection with Nanpur P.S. Case No. 219 of 2016 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 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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