

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45282 of 2023

Arising Out of PS. Case No.-411 Year-2017 Thana- BAKHTIYARPUR District- Patna

RAJU RAY @ PRINCE RAJ Son of Jagarnath Ray @ Jagarnath Prasad
Resident of Village - Champapur, P.S.- Bakhtiyarpur, District - Patna.
... .. Petitioner/s

Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Bakhtiyarpur P.S. Case No. 411 of 2017 instituted under under Section 394 of the Indian Penal Code lodged on 24.9.2017 by the informant, Md. Aasif.

As per the prosecution story, the informant is in the business of sale of vegetable, on the fateful day, he closed his shop and was returning when the accused intercepted and snatched his bag containing Rs. 9000/- as also other important things as all the accused persons are from his own, he named them. Subsequently, in the confessional statement of Md. Sabir, his name cropped up.

Learned counsel for the petitioner submits he has not been named in the FIR and his name cropped up after one co-accused confessed and gave his name.

Further, irrespective of the outcome of the present



case and/or accepting the allegation, the petitioner intends to contribute Rs. 9000/- to the informant.

Learned APP opposes the prayer stating that the poor vegetable seller's Rs. 9000/- has been snatched by the accused persons.

Considering the fact that he has not been named by the informant who claims to have identified the accused persons, his name has come in the confessional statement, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 9000/- to the informant as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local SBI to be submitted to the trial Court.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Bakhtiyarpur P.S. Case No. 411 of 2017 to the satisfaction of learned A.C.J.M.-1st Barh, Patna subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 co-operate in the investigation and make himself available to the police as and when required;

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

(v) 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;

(vi) 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.

(Rajiv Roy, J)

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