

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45220 of 2022

Arising Out of PS. Case No.-457 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

AJAY RAI Son of Toka Rai Resident of Village - Roop Chhapra, P.S.-
Sahebganj, District - Muzaffarpur, State - Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 01-02-2023 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks regular bail in connection with Sahebganj PS case no. 457 of 2019 instituted for the offences punishable under Section 395 of the Indian Penal Code.

The allegation is regarding the son of the informant, who was preparing to return home after closing his shop at about 11.40 pm on 29.10.2019, having been confined in the shop by six unknown motorcycle borne miscreants, whereafter they had snatched a sum of Rs. 48,400/- from him and a mobile phone from his staff namely Sanjeet Kumar and then they had fled away.



The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 22.04.2022. The learned counsel for the petitioner has further submitted that the petitioner is an accused in five other cases but he is on bail in all the said cases. It is also submitted that neither the petitioner has been put on test identification parade so as to connect him with the alleged crime nor any recovery of stolen article/ cash has been made from his possession.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that neither any test identification parade has been conducted so as to connect the petitioner with the alleged crime nor any recovery has been made from his possession apart from the fact that the person who has disclosed about the complicity of the petitioner in the alleged crime namely Raja Singh has already been granted bail by a co-ordinate Bench of this Court vide order dated 08.09.2020, passed in Cr. Misc. no. 23162 of



2020, hence I deem it fit and appropriate to admit the petitioner to the privilege of bail, however, subject to certain conditions, considering the bad antecedent of the petitioner.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of J.M. 1st class, Muzaffarpur (West) in connection with Sahebganj PS case no. 457 of 2019.

It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10 am on every Monday, starting from the day he is released on bail, and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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