

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45182 of 2022

Arising Out of PS. Case No.-55 Year-2021 Thana- GOPALPUR District- West Champaran

RAVINDRA DAS @ NIRANJAN GIRI @ NAGA BABA @ BABA SON OF
VEERA DAS R/O VILLAGE- GULWARIYA, P.S.- GOPALPUR,
DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Gopalpur P.S. Case No. 55 of 2021, registered for the offence punishable under Section 394 of the Indian Penal Code.

The case of the prosecution, in brief, according to the informant, is that on 25.4.2021 at about 5 O'clock in the evening, three unknown persons had, on a motorcycle, arrived at the house of the brother-in-law of the owner of the pick-up vehicle in question, which used to be driven by the informant and one of the said



person appeared to be a saint, who was wearing orange clothes, while and the other two persons were wearing normal clothes. It is further alleged that the person dressed like a saint had then stated that he has been given a cow by way of donation since he is priest of Sagar Pokhra Shiv Mandir and the cow is at Puraina Dih, which has to be taken to Bettiah, hence, how much fare would be charged, upon which the informant had told him that he would charge a sum of Rs. 1700/-, but ultimately, the fare was fixed at a sum of Rs. 1600/-, whereupon at about 6:30 pm in the evening, they had started from Dharampur village to go to Puraina Dih by the pick-up vehicle in question and in the said pick-up vehicle, the saint and one other person had sat down, while one another person had proceeded ahead of the pick-up van on his motorcycle. It is also alleged that around 8:00 pm., when they had reached Puraina Dih, the aforesaid persons had got the pick-up vehicle stopped at a secluded place, whereafter they had made the informant alight from the pick-



up vehicle and then they had started assaulting him. It is further alleged that the saintly person had then pointed a small pistol on the head of the informant and had also tied his hands, legs and mouth, whereafter they had snatched a sum of Rs. 5,000/-, driving license, aadhar card and mobile phone from the informant and after tying the informant with a tree, the said accused persons had fled away with the pick-up vehicle. Subsequently, the informant had managed to untie himself and after reaching the village, he had lodged the First Information Report.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 28.06.2021. The learned counsel for the petitioner has further submitted that the petitioner was firstly, arrested in connection with Kangli P.S. Case No. 33 of 2021, registered under Section 412 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act, wherein, upon search, one



loaded country made pistol and one live cartridge was recovered from the petitioner and then, he has been implicated in the present case on the allegation of him having snatched the pick-up van in question along with other two co-accused persons. It is stated that the petitioner has already been granted bail in the aforesaid case, vide order dated 31.03.2022, passed in Criminal Miscellaneous No. 55929 of 2021. It is also submitted that apart from the aforesaid case, the petitioner is having a clean antecedent. Lastly, it is submitted that the co-accused persons have already been granted bail by co-ordinate Benches of this Court, vide orders dated 29.4.2022 and 7.6.2022, passed in Criminal Miscellaneous No. 63461 of 2021 and Criminal Miscellaneous No. 8554 of 2022.

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 petitioner and taking into account the materials on record as also considering the parity of the



case of the petitioner with that of the co-accused persons, who have already been granted bail by co-ordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Bettiah, West Champaran in connection with Gopalpur P.S. Case No. 55 of 2021.

(Mohit Kumar Shah, J)

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