

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54794 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- SONEPUR District- Saran

RAKESH RAI, age about 30 years, Male, S/o LATE HARESHWAR RAY
RESIDENT OF VILLAGE- SABALPUR HASTI TOLA, PS- SONPUR,
DIST- SARAN AT CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishor, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 30-08-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with Sonpur P.S. Case No. 59 of 2023 dated 22.01.2023 registered for the offence(s) punishable under Section(s) 392 of the Indian Penal Code.

3. The main submissions advanced by the learned counsel for the petitioner are that the FIR was registered against unknown, during investigation the petitioner was made accused mainly on the basis of his own confessional statement and except this there is no material to connect him to the alleged occurrence of loot, he was not put on Test Identification Parade (T.I.P.) despite the informant having claimed to have seen one of



the accused persons at the time of the commission of the alleged occurrence of loot. Further submissions are that though against the petitioner there are criminal antecedents of eight cases but he has got bail in all the said cases and in the present matter against him, the investigation has been completed and two co-accused persons and the petitioner have been chargesheeted and upon them charge has been framed but till date no witness has turned up and petitioner has been languishing in jail since 03.03.2023.

4. Learned APP appearing for the State has opposed the bail prayer but fairly accepted that against the petitioner there is no material except his confessional statement as per the order impugned.

5. Considering the above submissions and mainly the petitioner's plea that he has been chargesheeted mainly on the basis of his confessional statement and neither the looted article was recovered from his possession after he was taken into custody nor he was put on Test Identification Parade (T.I.P.) and the said plea has not been refuted by learned APP and the order impugned goes to show that the learned court below rejected petitioner's prayer for bail mainly considering his criminal antecedents as well as his confessional statement and



petitioner's trial has started but till date no witness has turned up, in my opinion, in the said circumstances, the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail in connection with Sonpur P.S. Case No. 59 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned on the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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