

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52556 of 2023

Arising Out of PS. Case No.-367 Year-2021 Thana- BANIAPUR District- Saran

Manish Kumar Rai @ Manish Rai Son Of Mauji Lal Rai Resident Of Village-
Kudarbaga, Ps- Garkha, 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.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Baniyapur P.S. Case No.367 of 2021 instituted under Section 394 of the Indian Penal Code lodged on 19.09.2021 by the informant Shiv Nath Rai.

As per the prosecution story, the allegation is that the informant after collecting the amount was returning, when the accused persons snatched Rs.1,50,000/-. Accordingly, the FIR.

Subsequently, the police during investigation on the confession of co-accused Suraj Kumar, named this petitioner.

It is the case of the petitioner that though he is in custody since 04.12.2021 (para-16 of the petition), no TI parade has been conducted and the petition of similar placed co-accused Indrajit Kumar Mahto was rejected on 24.11.2022 by a co-ordinate bench vide Cr. Misc. No.42179 of 2022 liberty was given to renew prayer after framing of charge and the Trial



Court was directed to release the petitioner six months after the framing of the charges (Anneuxre-2).

It is the categorical statement of the petitioner that now the charges have been framed.

Learned APP opposes the prayer for bail stating that he has criminal antecedent.

Taking into account the submissions put forward by the learned counsel for the petitioner as also that one of the similar placed co-accused was directed to be released six months after framing of charge, this Court also takes the same route. The petitioner be released six months after the framing of the charges.

Let the petitioner be released six months after the framing of the charges on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each in connection with Baniyapur P.S. Case No.367 of 2021 to the satisfaction of learned Judicial Magistrate, Ist Class, Saran at Chapra, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 conclusion of the trial to mark 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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