

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52956 of 2022

Arising Out of PS. Case No.-255 Year-2019 Thana- BELA District- Sitamarhi

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Jitendra Rai @ Jitendra Kumar (Male), aged about- 36 years, Son of Lalu Rai @ Lalu Prasad, Resident of Village - Jhitkahiya, Police Station - Bathnaha, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

12 24-11-2023 Heard Mr. Pushpendra Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Ajit Kumar, learned APP for the State.

2. Petitioner, who is in custody since 09.02.2021, seeks regular bail in connection with Bela P.S. Case No. 255 of 2019 dated 28.11.2019 registered for offences punishable under Sections 399, 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. Learned counsel appearing on behalf of the petitioner submitted that the bail application of the petitioner was earlier rejected vide order dated 01.04.2022 passed in Criminal Miscellaneous No. 44139 of 2021. He further submitted that the liberty was granted to the petitioner to renew



his prayer for grant of bail after undergoing six months further period of custody. He further submitted that even the trial has not been progressed considerably and in changed circumstances, he has renewed his prayer for grant of bail. Learned counsel further submitted that even on merits, the only allegation against the petitioner is that he was one of the members assembled to make preparation for committing *dacoity*, however, his name has been transpired on the basis of confessional statement made by one co-accused, namely, Ram Pravesh Chaudhary @ Rupesh Chaudhary with whom he has no connection. Petitioner is accused in nine other criminal cases and in this regard, he has given detail in paragraph no. 3 of the present bail application. Petitioner undertakes that he will not involve in criminal activities in future and to that effect he is ready to file his personal affidavit along with two respectable persons of the village where he resides.

4. Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

5. Considering the nature of allegation, as well as, the fact that no substantial progress has taken in conduct of trial and the name of the petitioner has surfaced on the basis of confessional statement made by one co-accused in police



custody, which has no evidentiary value in the eye of law. Only one witness has been examined. The petitioner has nine criminal antecedents and he is ready to give his undertaking by filing affidavit along with two respectable persons of the village where he resides, out of which, one person should be *Mukhiya* of the said village. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on bail.

6. The petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sub- Divisional Judicial Magistrate, Sadar, Sitamarhi, in connection with Bela P.S. Case No. 255 of 2019 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar



nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

7. In case, the petitioner is required custody in any other criminal cases pending against him, the trial Court may verify the same.

(Purnendu Singh, J)

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