

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56002 of 2023

Arising Out of PS. Case No.-404 Year-2019 Thana- GORAUL District- Vaishali

RAJA BABU son of Bijay Yadav @ Vijay Rai Village- Prampur Ps- Tisiyonta
Present Ps- Bidupur dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivanand Singh, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023 Heard the parties.

The petitioner is an accused in connection with S.Tr. No. 242 of 2020 arising out of Goraul P.S. Case No. 404 of 2019 registered for the offences under sections 399 and 402 of the Indian Penal Code and sections 25(1-b)a, 26 and 35 of the Arms Act lodged on 01.11.2019 by the informant, Anil Kumar.

As per the prosecution story, police on information that the accused persons have assembled to commit theft in the house of Pintu Mishra, reached the place, found some accused persons running away but managed to caught hold of them, the petitioner being one of them. Further, from the accused persons a country made revolver and cartridges were recovered. So far as this petitioner is concerned, one country made loaded pistol with live cartridge was/were recovered/seized. Accordingly, the FIR.



It is the case of the petitioner that he has suffered a lot as the matter is of 2019 and he is in custody since 03.11.2019 (as stated in paragraph 6 of the bail application) and the trial has still not been concluded.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the fact that he has remained in custody for more than 3 ½ years, trial has not been concluded, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of Additional Sessions Judge-I, Vaishali at Hajipur in connection with S.Tr. No. 242 of 2020 arising out of Goraul P.S. Case No. 404 of 2019, subject to the 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 for next one year 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 his 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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