

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57478 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- BAGENGOLA District- Buxar

=====

RAHUL RAI @ BALIRAM RAI S/O LATE DEVTANAND RAI R/O
VILLAGE- ARJUNPUR, PS. SIMARI, DIST. BUXAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 31-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Bagengola P.S. Case No. 43 of 2023 for the offence punishable under Sections 302/34 of the Indian Penal Code lodged on 5.4.2023 by the informant, Pannu Kumar.

As per the prosecution story, the allegation is that the informant was going to his chaff machine on motorcycle, was intercepted by accused from another motorcycle and on the point of pistol took away his vehicle. Further, it was his further narration that he can identify them. Accordingly, the FIR.

It is the case of the petitioner that though the informant has stated that he can identify the accused, no TIP conducted.

Learned APP on the other hand submits that the



motorcycle was recovered from Suraj Kumar, another accused on the confession of this petitioner.

To this, the learned counsel for the petitioner submits that the recovery is from Suraj Kumar, to implicate him, the police made confessional theory and at his instance, the recovery took place. He submits that he will abide by all the terms and conditions, if granted bail,

Taking into account the fact on record, the submission put forward by the learned counsel for the petitioner, he is in custody since 2.5.2023 (para-12 of the petition), no TIP conducted, this Court is inclined to extend him the privilege of bail only after framing of the charge.

Let the petitioner be released on bail only after framing of the charge on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Bagengola P.S. Case No. 43 of 2023 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 fortnight for next six months to mark his 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

