

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61635 of 2022

Arising Out of PS. Case No.-353 Year-2014 Thana- NAANPUR District- Sitamarhi

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NARESH RAI Son of Harihar Rai Resident of village - Gayasuddinpur
Boaridih Tole Munni Kalyan Tole Kaniya Enar, P.S. - Gaighat, Dist.-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

For the Opposite Party/s : Mr.Braj Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-02-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 395 of the Indian Penal Code.

The father of the informant is said to have been
assaulted by the 8-10 unknown miscreants and looted away
household articles.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner has not been named in the F.I.R. but his name
transpired in this case during course of investigation on the basis
of confessional statement of the co-accused, namely, Shiv Nath
Sahni. He further submits that nothing has been recovered from



the conscious possession of the petitioner. He further submits that one mobile is said to have been recovered from the house of the petitioner which belongs to his family member. He further contended that except confession of the co-accused, no cogent material has surfaced during course of investigation against the petitioner. Moreover, the co-accused, namely, Ramasaray Sahni @ Fekan Sahni and Shiv Nath Sahni have already been granted bail by a co-ordinate Benches of this Court vide order dated 22.05.2015 and 19.08.2015 passed in Cr. Misc. No. 24224 of 2015 and Cr. Misc. No. 23425 of 2015, respectively. The petitioner is rotting in judicial custody since 24.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial N. 235 of 2015 arising out of Nanpur P.S. Case No. 353 of 2014 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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