

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67776 of 2022

Arising Out of PS. Case No.-414 Year-2019 Thana- PATORI District- Samastipur

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DHARMENDRA RAI Son of Shobha Rai R/V- Dhamaum, P.S- Patori, Dist-
Samastipur- 848504 (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Senior Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-04-2023 Heard Mr. Ajay Kumar Thakur, learned Senior

Counsel for the petitioner and Mr. Bharat Bhushan, learned APP

for the State.

The petitioner is an accused in connection with G.R.
No. 2776 of 2019 arising out of Patori P.S. Case No. 414 of
2019 registered for the offences under section 394 of the
Indian Penal Code lodged on 23.10.2019 by the informant,
Abhishek Kumar.

That the prosecution story in brief is :-

(a) The informant, Abhishek Kumar who is an
employee (cashier) of Midland Micro Finance Company, made a



written complaint before the SHO Patori Police Station, Samastipur, alleging *inter alia* that on 23.10 2019 at about 3:00 PM when the informant was working in his branch office then four persons entered into the branch office. Two persons took out pistol from their waist and put on informant temples and asked about the cash and further threatened to immediately hand over the cash or face consequence. As the informant stated that they are with Branch Manager who is absent he was assaulted on head by the 'butt' of pistol and for this act the informant sustained injury.

It has been further alleged that in the mean time other criminal persons also came in search the cash and also tried to scratch the wire of computer and CCTV camera which was installed inside the branch office. Further all the accussed on the point of pistol forcefully dragged the informant and came in locker room and again assaulted and tried to open the locker but the failed to do so.

It has been further alleged that in the mean while one person snatched informant's mobile and Rs. 550.00 kept in the informant's wallet and all the persons were using local languages. All the criminal threatened the informant and locked him inside the bathroom. After some time, the employees



including the Field Officer of the said branch came and brought out the informant from the bathroom and informed the local police station. Accordingly, the FIR.

It has been submitted by the learned Senior Counsel that his name has come in the confessional statement but nothing incriminating has been recovered nor any T.I. Parade has been done. The further submission is that he has been implicated in one after another case and had actually remained in jail for two long years inasmuch as he was in jail since 21.05.2021 in Patori P.S. Case No. 354 of 2019 from where he was remanded in the present case on 23.06.2022 (as stated in paragraph-9 of the bail application).

Learned APP for the State opposes the prayer for bail pointing out the criminal antecedent that the petitioner has.

Considering the submissions put forward by the learned Senior Counsel that though he has remained in custody in the present case for ten months, no T.I. Parade has been done nothing incriminating has been recovered from his possession, charge sheet stands submitted and ultimately, he has to face the trial, this Court is inclined to extend the privilege of bail with strict conditions, in view of the fact that he has criminal antecedent.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned J.M.F.C., Samastipur in connection with G.R. No. 2776 of 2019 arising out of Patori P.S. Case No. 414 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)

Jagdish/Neha/-

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