

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71645 of 2022

Arising Out of PS. Case No.-380 Year-2020 Thana- BARAUNI District- Begusarai

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Bidhan Kumar Rai @ Bidhan Rai Son of Ram Bilas Ray @ Ram Vilash Rai
Resident of Village - Pipra Devas, P.S. - Barauni, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 06.11.2020, in connection with Barauni P.S. Case No. 380 of 2020, F.I.R. dated 02.10.2020 registered for the offences punishable under Sections 392 of the Indian Penal Code but the police after investigation submitted chargesheet under Section 392, 411 and 120(B) of the Indian Penal Code.

The F.I.R. of the occurrence of loot is against unknown.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired



during investigation on the basis of confessional statement of co-accused person namely Mantu Kumar and nothing has been recovered from the house of the petitioner and till date no test identification parade was conducted by the prosecution. He further submits that similarly situated co-accused person namely Mantun Kumar @ Mantun Kumar Rai has been granted bail by a Coordinate Bench of this Court vide order dated 03.01.2022 passed in Cr. Misc. No. 28973 of 2021, another co-accused person namely Chandra Shekhar Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 29.06.2022 passed in Cr. Misc. No. 7263 of 2022, another co-accused person namely Shankar Kunwar has been granted bail by a Coordinate Bench of this Court vide order dated 15.07.2022 passed in Cr. Misc. No. 20685 of 2022 as well as another co-accused person namely Nirmal Kumar Nirala @ Ghutra has been granted bail by a Coordinate Bench of this Court vide order dated 01.08.2022 passed in Cr. Misc. No. 23601 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 06.11.2020.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on



the ground that the petitioner carries five more cases other than the present one.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 5th Additional Sessions Judge, Begusarai in connection with Barauni P.S. Case No. 380 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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 antecedents, 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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