

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38505 of 2024

Arising Out of PS. Case No.-639 Year-2020 Thana- CHAPRA TOWN District- Saran

Manu Rai Son of Raju Rai @ Raju Kumar Resident of Village - Goriya Toli,
Ward No.- 38 Chhota Telpa, P.S.- Chapra Town, P.O.- Sahebganj, District -
Chapra, Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Seema Kumari, Adv.
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Chapra Town P.S. Case No. 639 of 2020, lodged on 06.12.2020
under Section 392 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against one named and two unknown accused persons against
whom there is an allegation of snatching of motorcycle and
other items.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the name of the petitioner has been figured in



this case only by virtue of confessional statement of the co-accused and at the instance of the police due to the reason that the criminal antecedent of the petitioner is not clean. Counsel further submits that the criminal antecedent of the petitioner is not clean and there are three criminal cases pending against him. The petitioner is in custody since 11.01.2024 in the present case.

5. Learned counsel for the petitioner submits that the offence in which the case has been lodged is of magisterial triable. Counsel also submits that the charge-sheet has already been submitted in this case.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the criminal antecedent of the petitioner is not clean and this aspect may be taken into consideration while considering the bail application of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Town P.S. Case No. 639 of



2020, subject to the conditions as laid down U/s 437(3) Cr.P.C.
as well as 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

8. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-



- (I)- Town Thana P.S. Case No. 764 of 2019.
- (II)- Town P.S. Case No. 576 of 2020.
- (III)- Uttarpara P.S. Case No. 479 of 2020.

(Dr. Anshuman, J.)

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