

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45176 of 2023

Arising Out of PS. Case No.-111 Year-2018 Thana- ISUAPUR District- Saran

RAJESH SINGH @ RAJESH KUMAR SINGH SON OF SHATRUDHAN
SINGH RESIDENT OF VILLAGE-RAMPUR KHORRAM, MADHAURA
(GAURA O.P.) DISTRICT- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 20-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Isuapur P.S. Case No. 111 of 2018 for the offence punishable under section 392 of the Indian Penal Code lodged on 30.07.2018 by the informant, Bhola Sah.

3. As per the FIR, lodged in the year 2018, the allegation is that the accused persons came surrounded the informant and on the point of pistol, took away Rs. 30,000/- gold chain as also the mobile. They also took away the scooty which led to the FIR.

4. Learned counsel for the petitioner submits that admittedly, he has more than dozen cases under his belt which led to his implication, is in custody since 19.12.2022 (paragraph-9 of the petition), the fact remains that he has delayed coming into judicial custody, the case is of the year 2018, for which he has already suffered by being in custody for almost two years. It is his



further submission that in case, the relief is granted, not only he shall be diligently appearing in the trial but also desist from getting implicated in any such cases failing which, the prosecution shall be free to take appropriate steps for the cancellation of his bail bond.

5. Learned APP opposes the prayer for bail submitting that the matter was of the year 2018 but he came into judicial custody only in the year 2022.

6. Having gone through the facts of the case as also the submissions put forwarded by the parties, though it is a fact that after four years, he came into judicial custody and also the second fact is that he has number of criminal cases under his belt, however, the fact remains that he has remained in custody for almost two years, the Trial Court failed to conclude the trial and it has been undertaken by the learned counsel for the petitioner that he shall be diligently appearing in trial and shall desist from being named in any such criminal cases, solely on that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M. Saran at Chapra or concerned Court Saran at Chapra, in connection with



Isuapur P.S. Case No. 111 of 2018 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 till the conclusion of the trial 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.

(Rajiv Roy, J)

Adnan/-

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