

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42523 of 2024

Arising Out of PS. Case No.-255 Year-2021 Thana- KHAIRA District- Saran

ANSHU RAI S/O RAJU RAI @ RAJU KUMAR R/O MOHALLA- GORIYA
TOLI, CHHOTA TELPA, P.S- CHAPRA TOWN, DISTT.- CHAPRA,
SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Maheshwar Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-09-2024 Heard Mr. Maheshwar Prasad, learned counsel for

the petitioner and Mr. Satyendra Prasad, learned APP for the

State.

2. The petitioner is apprehending his arrest in
connection with Khaira P.S. Case No. 255 of 2021, Trial No.
2215 of 2024, F.I.R. dated 08.08.2021 registered for the
offences punishable under Sections 392 of the Indian Penal
Code.

3. According to the prosecution, informant Monu
Kumar was standing near the Water Tankin and in the meantime
two boys came from the motorcycle and on the point of gun
they snatched Samsung Galaxy Mobile with one money bag
having Rs. 3,000/- from the pocket of the informant and fled



away towards Chapra. On alarm, people were gathered and on chase one accused Rakatu Rai was caught by people and disclosed the name of the petitioner. Police was informed by the people and on search arms and cartridges were recovered from the possession of Rakatu Rai.

4. 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 that the name of the petitioner has been transpired on the basis of disclosure made by co-accused person namely Rakatu Rai and he has stated that the petitioner was escaped from the place of occurrence and apart from that the aforesaid, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

5. Learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner and submits that the name of the petitioner has been transpired on the basis of confessional statement of co-accused person namely Rakatu Rai and he has also confessed that another co-accused person namely Satya Prakash Singh was also involved in the present crime in question. He further submits that the petitioner carries two more cases other than the present one but fairly



submits on the basis of supplementary affidavit that the petitioner is on bail in the pending matters.

6. Considering the facts and circumstances of the case and the fact that the name of the petitioner has been transpired on the basis of confessional statement of co-accused person, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Judicial Magistrate 1st Class, Chapra, Saran in connection with Khaira P.S. Case No. 255 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 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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