

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60715 of 2021

Arising Out of PS. Case No.-138 Year-2021 Thana- PATORI District- Samastipur

=====

Rakesh Rai @ Rakesh Ray Son of Vijay Rai @ Vijay Ray Resident of
Village- South Dhamoun, P.S.- Patori, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Adv

For the Opposite Party/s : Mr .Anil Kumar Singh No.1 A.P.P

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 05-05-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Patori(Mohanpur O.P) P.S.Case No. 138 of
2021 for the offences punishable under Sections 395 and
397 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
29.04.2021 while the informant was going to Patna on his
motorcycle, six miscreants on two motorcycle intercepted
the informant and snatched his bag and on being hulla, the
accused persons opened fired. It is further alleged that on



alarm, the local people apprehended two accused persons. One country made pistol, three cartridges and looted bag have been recovered from possession of the petitioner.

It is submitted on behalf of the learned counsel for the petitioner that though there is specific allegation that six miscreants surrounded the informant and looted his valuables but surprisingly the F.I.R has been instituted against three persons only. Further the F.I.R has been recorded on 29.04.2021 and though the petitioner was apprehended at the place of occurrence but the copy of the F.I.R has been sent to the court on 01.05.2021, which suggest a creation of after thought story. It is further submitted that in fact no recovery has been made from person and possession of the petitioner but as he was caught by the local people and as such recovery has been shown from his possession due to some oblique reason. It is also submitted that this petitioner is in custody since 18.06.2021 and moreover, the investigation has already been completed and the charge sheet has been submitted. He is ready to give undertaking that he will remain present on each and every date in the trial. Petitioner is found



involved in other three cases.

The learned A.P.P opposed the prayer for bail of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that, specifically there is allegation that six persons intercepted the informant and looted his belongings and also made firing but the F.I.R has been instituted against three persons only. In as much as the investigation of the present case has already concluded and the charge sheet has been submitted and the petitioner is in custody since 18.06.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Samastipur in connection with Patori(Mohanpur OP) P.S.Case No. 138 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date



of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

N.K/-

U			
---	--	--	--

