

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59978 of 2023

Arising Out of PS. Case No.-856 Year-2021 Thana- NAGAR District- Vaishali

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SRIKANT RAI@ MUKUL RAI @VICKY SON OF ANIL RAY RESIDENT
OF VILLAGE -DHIGHI PURVI, PS- SADAR HAJIPUR, DISTT-
VAISHALI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Himanshu Ranjan

For the Opposite Party/s : Mr.Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

6 29-01-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Hajipur Town P.S. Case No. 856 of 2021 initially registered

for the offences punishable under Sections 395, 397 of the

Indian Penal Code and later on, Section 412 of the IPC was

added.

3. As per prosecution case, on 23.10.2021 the

informant alongwith his salesman was present in his

jewellery shop and at that time, two customers were also

present. It is alleged that four miscreants armed with pistol

entered into the informant's shop and they had covered their



face with mask. It is further alleged that on the point of pistol, the miscreants looted away the gold ornaments worth Rs. 1,32,00000/-, diamond ornaments worth Rs. 40,00000/- and cash of Rs. 5,20,000/- from the informant's shop. It is further alleged that the miscreants also snatched Rs. 20,000/-, ATM card, Aadhar card and driving license from the purse of customer Abhishek and chain worth Rs. 90,000/- and mobile from customer Shobha Rani. It is also alleged that mobile of salesman of informant and Aadhar card, Driving License, PAN Card and mobile of informant were also looted away by the miscreants. Hence, FIR has been registered against unknown.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He further submits that petitioner is not named in the FIR as the FIR has been registered against unknown and during course of investigation, name of petitioner came into fore upon the confessional statement of co-accused Prithivi Kumar @ Triven @ Mantosh Paswan, who has already been granted



bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 18150 of 2023 and on the principle of parity, petitioner also deserves bail. He further submits that except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. He further submits that no looted article has been recovered from possession of the petitioner. Petitioner is not apprehended on the spot. Petitioner has not been put on TIP. Basically, no cogent material is available against the petitioner to implicate him in the present case. Learned counsel further submits that petitioner was arrested in Hajipur Town P.S. Case No. 633 of 2022 on 23.08.2022 and from the said case, he was remanded in four other cases including the present case. Learned counsel further submits that petitioner is in custody since 27.09.2022 in connection with present case. Petitioner bears criminal antecedent of six cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Om Singh @ Rishi Raj and Rahul Kumar @ Rahul Kumar Singh, from



whose possession, looted articles have been recovered, have already been granted bail by co-ordinate Benches of this court vide Cr. Misc. Nos. 25499 of 2023 and 23928 of 2023 respectively and case of present petitioner stands on better footing as no looted article has been recovered from possession of the petitioner.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 856 of 2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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