

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67094 of 2024

Arising Out of PS. Case No.-318 Year-2023 Thana- CHIRAIYA District- East Champaran

Rakesh Rai @ Rakesh Kumar Yadav Son of Mangal Ray Resident of village -
Amgachhi, P.S.- Chiraiya, District - East Champaran

... .. 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. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Chiraiya P.S. Case No.318 of 2023, lodged on 01.07.2023,
under Section 392 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged
against unknown accused persons, who had committed robbery
with the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that in this case petitioner's name has figured by virtue
of confessional statement of co-accused Pritam Paswan.
Counsel submits that nothing incriminating has been recovered
from the possession of the petitioner nor he was put on Test



Identification Parade. Counsel submits that one other co-accused Chandan Thakur has been arrested from whose possession looted mobile has been recovered. Learned counsel further submits that the offence in which case has been lodged are Magisterial triable. The petitioner is in custody since 01.07.2024 and is accused in four more criminal cases, in which he is on bail. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed.

5. Learned counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean and this aspect may be taken into consideration.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed, as well as on being satisfied that petitioner is not absconding in the following cases, i.e., (i) Chiraiya P.S. Case No.329 of 2023, (ii) Chiraiya P.S. Case No.332 of 2023, (iii) Chiraiya P.S. Case No.382 of 2023 and (iv) Chiraiya P.S. Case No.253 of 2023**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Sri V.K. Singh, learned Judicial Magistrate, 1st Class, East Champaran, Motihari, in connection



with Chiraiya P.S. Case No.318 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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.

(Dr. Anshuman, J)

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