

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70033 of 2024

Arising Out of PS. Case No.-415 Year-2024 Thana- BHABHUA District- Kaimur (Bhabua)

Raju Ali, Son of Muslim Sulemani @ Muslim Sulmani, Resident of Village-
Bhabhua, Ward No. 23, P.S.- Bhabhua, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard Mr. Kumar Sunil, learned Advocate for the
petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Bhabhua P.S. Case No. 415 of 2024
registered for the offences punishable under Sections 395 and
412 of the Indian Penal Code.

3. Based upon the fardbeyan of the informant, it is
alleged that the vehicle of the informant was booked by a
person, in order to carry wheat. While the vehicle was on its
way, in the meantime, two persons sat on the front side and two
persons on back side of the vehicle and when the vehicle
reached near Bahuawan bridge, the persons who were sitting in
front side, asked the informant to stop the vehicle, thereupon
after putting a pistol upon his temple they snatched the key and



fled away with the vehicle. It is further alleged that in the meantime a person was coming on a motorcycle, the informant asked for help and chased his vehicle. Later on, he came to know that his vehicle has dashed two persons and the villagers apprehended all the five persons and handed over to the police. The informant identified all the persons, including the petitioner.

4. Learned Advocate for the petitioner contended that in fact no such occurrence, as alleged, has taken place and on account of an accident the villagers apprehended the petitioner and his friends and handed over to the police by making a case of loot of vehicle. The petitioner and others were apprehended by the police, but surprisingly, there is no recovery of any arms and, as such, the present case falls to the ground that the informant's vehicle was looted on the point of pistol. It is further contended that in fact prior to the institution of the present case, the petitioner has had absolutely clean antecedent, but after the present case, he has been remanded in another case, bearing Bhabhua P.S. Case No. 415 of 2024, in which he was not even named. It is lastly contended that even as per the narratives made in the F.I.R., no article has been recovered from the conscious possession of the petitioner. Be that as it may, the



investigation of the crime is complete and charge-sheet has been submitted. Now the petitioner has been incarcerated since 05.06.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner was apprehended with the looted vehicle and the informant identified the petitioner and others.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and charge-sheet has been submitted, coupled with the fact that prior to the institution of the present case, the petitioner had absolutely clean antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur, Bhabhua in connection with Bhabhua P.S. Case No. 415 of 2024, 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.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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