

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82164 of 2023**

Arising Out of PS. Case No.-141 Year-2015 Thana- RANIGANJ District- Araria

BAUWA ROY @ BAUA ROY S/O BADRI ROY R/O VILLAGE- RAM
NAGAR, MAHESH TELYAH TOLA, P.S- SRI NAGAR, DISTT.-
MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

4 02-02-2024 Heard Mr. Pramod Mishra, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection
with Sessions Trial No. 237 of 2023 arising out of Raniganj P.S.
Case No. 141 of 2015 for the offence punishable under Section
394 of the Indian Penal Code lodged on 4.7.2015 by the
informant, Madan Lal Harijan.

3. Earlier report was called for on 15.12.2023 and the
same has been received vide letter no. 66 dated 6.1.2024,
according to which, the trial Court has resorted to summon,
bailable warrant as also non-bailable warrant but no chargesheet
witnesses have been produced.



4. The letter no.66 dated 6.1.2024 is incorporated
hereinbelow:

Letter No. 66/2024, Dated 06/01/2024

*From: Addl. District & Sessions Judge-II,
Araria.*

To,

The Assistant Registrar

Hon'ble High Court of Judicature at Patna

*Subject:-Regarding compliance order dated
15.12.2023 of Hon'ble High Court, Patna passed in Criminal
Misc. No. 82164 of 2023.*

*Ref: Sessions Trial Case No. 237/2023 in connection
with Raniganj P.S. case no. 141/2015.*

Araria Dated-06 January 2024

Sir,

*Most humbly and respectfully I am submitting
present status of Sessions Trial no. 237/2023 arising out of
Raniganj P.S. 141/2015 as follows:*

*1. This case record received on 06.05.2023 at the
stage of appearance from the court of Ld. District and Sessions
Judge Araria.*

*2. On 02.06.2023 charge was framed against the
accused persons for the offence U/S-5 of the L.P.C.*

*3. On 02.06.2023 this court ordered to issue summon
to all charge sheeted witnesses.*

4 On 02.08.2023 this court issued summon to all



charge sheeted witnesses.

5.This court ordered to issue B/W to witnesses on 16.08.2023 and in compliance of tisat order office issued B/W on 16.08.2023.

6. This court ordered to issue NBW to witnesses on 16.10.2023 and in compliance of that order office issued NBW on 06.11.2023.

7. Out of 11 charge sheeted witnesses, no witnesses has been produced by prosecution as yet.

The next date fixed of this case is 10.01.2024 at the stage of Evidence.

In spite of all things I will try my best effort to conclude the case as soon as possible.

Yours faithfully

(Sanjay Kumar Rai)

*Addl.District & Sessions Judge-II,
Araria.*

06.01.2024

4. As per the FIR, lodged on 4.7.2015 when the informant and other traders were going on a pick-up van, the accused persons on two motorcycles stopped the van by opening fire and thereafter it is alleged that around Rs. 3,00,000/- and a mobile was looted from the informant whereas Rs. 11,000/- was



looted from one Alam and Rs. 50,000/- from Anil Yadav. They later fled away towards Raniganj. The further allegation is that during the loot, one of the accused persons also hit on his neck by his revolver causing injury to him.

5. Learned counsel for the petitioner submits that only because he has criminal antecedent, he has been implicated, has already suffered by being in custody since 6.1.2021, is ready to appear in the trial on each and every date.

6. Learned APP, Mr. Bharat Bhushan, opposes the prayer stating that he has criminal antecedents.

7. Though, on the first instance, this Court was not inclined to extend him the privilege of anticipatory bail, considering the fact that there is no chance of conclusion of the trial as per report so submitted, he has already remained in custody for three years, as per the undertaking, he will be appearing on each and every date, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 2nd Additional District & Sessions Judge, Araria, in connection with Sessions Trial No. 237 of 2023 arising out of Raniganj P.S. Case No. 141



of 2015 subject to the 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

9. Let a copy of this order be sent to the District Magistrate, Araria and the Superintendent of Police, Araria who



shall see to it why despite summon, bailable warrant and non-bailable warrant, the trial has not moved on.

(Rajiv Roy, J)

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