

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84716 of 2023

Arising Out of PS. Case No.-319 Year-2022 Thana- GARDANIBAG District- Patna

Ravi Rai @ Deepu Rai @ Dipu Rai S/o Rajesh Rai Resident of Village-
Siarahi barajal, P.S.- Doharighat, District - Mau. Uttar Pradesh (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Singh, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Gardanibagh P.S. Case No. 319 of 2022 lodged under Sections
394 and 414 of the I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against four unknown accused persons against whom there is
allegation that they have committed robbery and allegation of
keeping the theft articles.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the F.I.R. has been lodged against unknown accused
persons. Counsel submits that the petitioner has been firstly
apprehended on suspicion, and thereafter, in confession, his



name has figured in this case.

5. Counsel for the petitioner submits that petitioner is in custody since 04.07.2022. There are four criminal cases pending against the petitioner in which he is on bail in two cases and in rest two cases, he is persuading for bail. He submits that the offences in which case has been lodged are magisterial triable in nature.

6. Counsel further submits that the petitioner is alleged to be identified but his T.I.P. has not taken place till date. As such, the offence under Sections 394 and 414 of the I.P.C. are not attracted.

7. Learned counsel for the State vehemently opposes the prayer for bail and submits that from the allegation and the material come in the investigation, it transpires that he is member of inter-state gang who used to involve in robbery of gold.

8. Counsel further submits that in paragraph-55 of the case diary, the description of C.C.T.V. footage and in paragraph-60 of the case diary, identification of photographs by his family members of co-accused were made. Counsel also submits that in the rejection order, the Sessions Judge has also acknowledged that the owner of the jewellery shop has disclosed about



acceptance of gold and converted the said gold into melted one. In addition to that, counsel for State also submits that at the time of consideration of bail of the petitioner, this aspect may be taken into consideration that antecedent of the petitioner is not clean and there are two criminal cases of same nature against the petitioner.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st class, Patna in connection with Gardanibagh P.S. Case No. 319 of 2022, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. 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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