

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25295 of 2025

Arising Out of PS. Case No.-115 Year-2024 Thana- R S P.S. District- Araria

Rahul Ray Son of Arbind Roy @ Ramchandra Roy @ Arbinda Roy Resident
of village - Baijnathpur, Ward No.- 03, P.S.- Araria (R.S.), Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-05-2025 Heard Mr. Ramesh Kumar Singh, learned counsel
for the petitioner and Mr. Mushtaque Alam, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with R.S.P.S. P.S. Case No. 115 of 2024, F.I.R. dated 16.08.2024 for the offences punishable under Sections 331(4) and 305 of the Bhartiya Nyaya Sanhita, 2023 (457 and 308 of the Indian Penal Code) and later on Section 317(2) of the Bhartiya Nyaya Sanhita, 2023 (Section 411 of the Indian Penal Code was added.

3. According to prosecution case, when the informant returned to her home, she found that some unknown persons entered in her house and stolen valuables from the house.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of the disclosure made by co-accused persons and except the aforesaid, no other cogent material has been come during the investigation, which suggests the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, the petitioner has clean antecedent and the name of the petitioner has been transpired on the basis of disclosure made by the co-accused persons, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with R.S.P.S. P.S. Case No. 115 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-



i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

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