

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41591 of 2017

Arising Out of PS.Case No. -142 Year- 2016 Thana -HAZIPUR INDUSTRIAL District-
VAISHALI(HAJIPUR)

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1. Rupesh Kumar Son of Surendra Singh, Resident of Village- Vajitpur,
P.S.- Bidupur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak

For the Opposite Party/s : Smt. Nirmala Kumari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 20-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
27.11.2016 in connection with S.T. No. 160/17, arising out of
Industrial Area P.S. Case No. 142/16 for offences punishable
under Section 395 of the Indian Penal Code and 27 of the Arms
Act.

The prosecution case, as lodged by the employee of the
Main Postoffice, Rajendra Chowk, is that while he was taking Rs.
5,50,000/- in the currency of Rs. 500/- and 1000/- old notes, four
miscreants on pistol point took away the money and also injured
two of the Homeguards by gun shot.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and it is only on the basis of confessional statement of co-accused that he has been made accused in the present case and that one of the co-accused has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 19708 of 2017 on 21.06.2017 on similar allegations. He submits that nothing has been recovered from his conscious possession, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner has a criminal antecedent and was involved in one case of similar nature earlier.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-VI, Vaishali at Hajipur, in connection with S.T. No. 160/17, arising out of Industrial Area P.S. Case No. 142/16, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable



property, who will file an affidavit stating his relationship with the petitioner and if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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