

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47965 of 2017

Arising Out of PS.Case No. -19 Year- 2017 Thana -RAMKRISHNANAGAR District- PATNA

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1. Rahul Kumar S/o Sri Shailendra Sharma, R/v Gokhula, P.S.-
Bhagwanganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Vijay Kumar Sinha and
Mr. S.K. Bhatnagar, Advocates.

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

4 29-11-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is seeking regular bail in connection
with Ram Krishna Nagar, P.S. Case No. 19 of 2017 for the
offences under Section 395 of the Indian Penal Code.

On an earlier occasion when the petitioner moved his
application for regular bail vide Cr. Misc. No. 32369 of 2017, the
same was rejected by distinguishing his case from the case of
Deepak Kumar and Rishi Kumar. In the case of Deepak Kumar,
while granting him bail vide order dated 22.6.2017 a co-ordinate
bench of this Court observed that his name had transpired in the
confessional statement of the co-accused, therefore, the distinction
was made in the case of said Deepak Kumar and the present



petitioner.

Today, when the matter is taken up for hearing, learned counsel for the petitioner pointed out from the contents of the First Information Report that, in fact, co-accused Deepak Kumar, was the person named by the informant and the allegations against him was that he had put a dagger on the chest of the informant and snatched Rs. 30,000/-.

Learned counsel for the petitioner submits that so far as the present petitioner is concerned he was arrested from one Scorpio vehicle bearing no. BR02T-5082 while all the accused persons started fleeing away from the Scorpio. It is his submission that from the various orders passed by the different co-ordinate benches of this court in Cr. Misc. No. 26602 of 2017, Cr. Misc. No. 29441 of 2017, Cr. Misc. No. 31819 of 2017 and Cr. Misc. No. 32868 of 2017, it will appear that the co-accused including said Deepak Kumar have been enlarged on bail. Further, his submission is that so far as the present petitioner is concerned there is no direct allegation of committing any overt act and, in any case, his case can not be distinguished differently from the other co-accused. The petitioner is said to be in custody since 28.01.2017 and has no criminal history.

Learned APP for the State accepts the factual



position as stated on behalf of the petitioner and submitted that the named accused Deepak Kumar and other co-accused have been granted bail by different co-ordinate Benches of this Court.

In the facts and circumstances of the case, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) only with two sureties of the like amount each to the satisfaction of learned Sri Sukul Ram, Judicial Magistrate, 1st Class, Patna, in connection with Ram Krishna Nagar P.S. Case No. 19 of 2017, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure of his part to appear before the court



below on two consecutive dates
without showing any genuine
reasons, the prosecution is free to
move for cancellation of his bail.

siddharth/-

(Rajeev Ranjan Prasad, J)

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