

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38009 of 2018**

Arising Out of PS. Case No.-527 Year-2017 Thana- BHAGALPUR KOTWALI District-  
Bhagalpur

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Rahul Sah @ Nariyal, Son of Late Munna Sah, Resident of Mohalla-  
Sikandarpur, Pani Tanki, P.S. Mojahidpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate  
For the Opposite Party/s : Mr. Iftekhar Mahmood, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      05-07-2018                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since  
12.02.2018 in connection with Kotwali (Tilkamanjhi) P.S. Case  
No. 527 of 2017 registered for the offence punishable under  
Section 395 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is  
that while he along with his wife was at his daughter's house, 5-  
6 persons came on the pretext of taking the room on rent,  
entered into the house, took the key of the almirah and  
committed burglary. They took away gold coins, ornaments and  
cash.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the First Information Report and has been falsely implicated in the aforesaid case. He submits that chargesheet has already been submitted. The petitioner was never put on Test Identification Parade and the co-accused on whose confessional statement, the name of the petitioner surfaced, has already been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 2575 of 2018 vide order dated 15.01.2018.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Tilkamanjhi) P.S. Case No. 527 of 2017, subject to the conditions that:

- (1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the



petitioner.

(2) It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

**(Nilu Agrawal, J)**

Arjun/Ragini

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