

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12973 of 2019

Arising Out of P.S. Case No.-468 Year-2018 Thana- PATNA GRP CASE District- Patna

RAKESH KUMAR @ RAJU @ RAKESH PRASAD, aged about 47 years, gender-male, Son of Late Sheo Prasad @ Shiv Prasad, Resident of Village-Maina Math, P.S.- Ghosi (Ghoshi), District- Jehanabad, at present postal Park Tempoo Stand Budh Nagar Road No. 1, Kankarbagh House of Jagdish Lal, P.S.- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhim Kumar Yadav, Advocate
For the Opposite Party/s : Mr.Madhuri Lata, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 26.12.2018 in connection with Patna Junction (G.R.P.Patna) P.S.Case No.468 of 2018 for the offence alleged under Sections 401 and 414 of the Indian Penal Code and Sections 137 and 147 of the Railway Act.

The prosecution case as lodged by the informant police personnel is that on secret information that some persons have gathered to commit crime, the police conducted a raid and found four persons in suspicious condition who tried to flee away but were apprehended. From the possession of all the co-



accused as well as the petitioner, pieces of blade was recovered along with mobile and some money. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and no complain of any theft has been alleged by any one and the petitioner has been falsely implicated just because he has a criminal antecedent and one more case of similar nature is pending against him on which he is on bail. He further submits that one of the co-accused apprehended along with the petitioner has been granted the privilege of bail by the learned court below.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is involved in one more case of similar nature and does not have a clean antecedent.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Patna Junction (G.R.P.Patna) P.S.Case No.468 of



2018 to the satisfaction of learned Additional Chief
Judicial Magistrate, Railway, Patna, subject to the
following conditions:-

(i) 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.

(ii) 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)

B.Kr./-

U		T	
---	--	---	--

