

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27044 of 2020**

Arising Out of PS. Case No.-193 Year-2019 Thana- RAJAPAKAR District- Vaishali

RAHUL KUMAR, aged about 20 years, Male, S/O Muneshwar Rai, Resident of Village - Shekhpura, P.S. - Rajapakar, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Vasant Vikas, Advocate.

For the Opposite Party : Mr. Lakshmi Kant Sharma, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      19-10-2020                      Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 395 and 365 of the I.P.C.

The prosecution story, in brief, is that on 13.08.2019, the informant went to Patna alongwith his villager Md. Daud by Pick-up Vehicle No. BR-34-GA-1490 for purchasing some



articles of their shops and they were returning from Patna to Khagariya on the same day at 10.30 P.M. after purchasing articles worth Rs. 2,10,000/- and Rs. 2,00,000/- respectively. When they reached at Alipur, Majhipur Satpulwa Bridge in Jandaha Road at about 2.00 A.M. on 14.08.2019, 6-7 miscreants in white Scorpio vehicle stopped their vehicle on gun point. They took the informant, Md. Daud and Sanjay Kumar down from the vehicle and made them sit in Scorpio and snatched Pick-up Van from the driver and went towards Jandaha. Thereafter, they put them down from the vehicle near Chimni at Village-Sherpur and also snatched their Mobiles, A.T.M. Cards and money etc.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 02.09.2019. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of confessional statement of co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. The petitioner has not been put on



T.I. Parade to ascertain his participation in the alleged occurrence.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Vaishali at Hajipur, in connection with Rajapakar P.S. Case No. 193 of 2019.

(Sudhir Singh, J)

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