

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28661 of 2020

Arising Out of PS. Case No.-92 Year-2020 Thana- KORHA District- Katihar

RAKESH KUMAR, Son of Late Ramji Singh, Resident of Village - Kheria
(Kheriya), P.S.- Korha, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-11-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within three
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Section 392 of the Indian Penal Code.

The prosecution case, in brief, is that while the
informant along with Deepak Kumar was returning Korha after
collecting the money and when they reached near the Cold



storage two unknown bike borne criminals dashed the motorcycle of the informant and they fell down on the ground. They took away the cash of Rs.2.5 lac from the dickey of the motorcycle of the informant on the point of pistol. While escaping from the place of occurrence, they also snatched away the mobile phone and the key of the motorcycle.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and he has been made accused on the basis of confessional statement of co-accused, namely, Rahul Kumar. There is no recovery of looted cash or any incriminating weapon or arms from the conscious possession or the house of the petitioner. He further submits that the informant and his staff only identified one other co-accused namely Rahul Kumar and from his possession looted cash of Rs. 70,000/- was recovered. The petitioner is in jail custody since 06.03.2020. The petitioner is accused in two cases which is mentioned in para 3 of the bail petition.

Learned APP for the State opposed the prayer for bail petition.

Considering the aforesaid facts and circumstances of the case, the above named petitioner is directed to be enlarged



on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Katihar in connection with Korha P. S. Case No. 92/2020, subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Anjani Kumar Sharan, J)

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