

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21883 of 2021**

Arising Out of PS. Case No.-271 Year-2020 Thana- KOILWAR District- Bhojpur

RAHUL PANDEY S/o Kamlesh Pandey Resident of Village- Sunderpur
Barja, P.S.- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad

For the Opposite Party/s : Mrs. Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 15-07-2021 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

Heard both parties.

The petitioner seeks bail in Koilawar P.S. Case No.
271 of 2020, registered for the offence punishable under Section
392 of the Indian Penal Code.

As per the prosecution case, two unknown bike borne
miscreants looted motorcycle, mobile and cash of Rs. 700/- and
one Golden chain from possession of the informant. During
course of investigation, petitioner and other accused persons
arrested with the stolen motorcycle.

It is submitted on behalf of the petitioner that
petitioner is not named in the FIR. Name of this petitioner has



come in this case on the basis of confessional statement of co-accused Sheshnath Rai. No incriminating article has been recovered from possession of this petitioner. No test identification parade has been held till date. Petitioner is in custody since 25.09.2020.

Counsel for the State vehemently opposed the prayer for bail and submitted that stolen motorcycle was recovered from possession of petitioner and other co-accused.

Considering the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Koilawar. P.S. Case No. 271 of 2020, subject to following conditions:-

(i) The 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 the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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