

**IN THE HIGH COURT OF JUDICATURE AT PATNA
FROM CHAMBERS VIA VIDEO APPLICATION
CRIMINAL MISCELLANEOUS No.23811 of 2021**

Arising Out of PS. Case No.-74 Year-2020 Thana- HILSA District- Nalanda

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RAUSHAN KUMAR SON OF AJAY YADAV RESIDENT OF VILLAGE-
BRAHMSTHAN, POLICE STATION- HILSA, DISTRICT NALANDA

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sunil Prasad, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 21-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.

Sucheta Yadav, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Hilsa P.S. Case No. 74 of 2020

registered for the offences punishable under Section 394 of

Indian Penal Code.

Learned counsel for the petitioner submits that as per

the prosecution story, on 18.2.2020 when the informant was

returning to his village from SBI Bank, Hilsa after withdrawal

of Rs. 1,40,000/- in the meantime from the opposite direction

one motorcycle on which two persons were riding dashed the motorcycle of informant and snatched the bag of containing Lenevo Laptop, register, Cheque book and withdrawal amount 1,40,000/-. It is further alleged that the accused persons also taken away the key of his motorcycle.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. The co-accused Dharmapal Kumar has been granted bail by a learned court below. The petitioner is in custody in connection with the present case since 18.01.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the name of the petitioner has transpired in the confessional statement of co-accused Dharmapal Kumar from whose possession a sum of Rs. 20,000/- is said to have been recovered, said Dharmapal Kumar has already been granted bail by learned court below, the recovery of motorcycle has been made from the house of co-accused Tinku Kumar but there is no recovery of any looted article from the house of this petitioner,

the petitioner has no criminal antecedent and has remained in jail since 18.1.2021, investigation against him is complete, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate/Successor Court, Hilsa (Nalanda) in connection with Hilsa P.S. Case No. 74 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.