

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25509 of 2021**

Arising Out of PS. Case No.-216 Year-2020 Thana- RAJGIR District- Nalanda

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Rahul Rajbanshi @ Rahul Kumar Rajbanshi Son Of Gabar Rajbanshi R/O
Village- Nai Pokhar Gosia, P.S.- Rajgir, District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ram Tujabh Singh,Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh,APP

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

2 24-09-2021 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 Mr. Arun
Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Rajgir P.S. Case No. 216 of 2020

registered for the offences punishable under Section 392 of

Indian Penal Code. He is in custody since 10.07.2020. He has

got no criminal antecedent.

As per the prosecution story, while the informant was

sleeping, four accused persons looted Rs.2,60,000/-, gold

ornaments and two mobile phones from the house of the

informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that except the confessional statement of the petitioner there is no material to connect the petitioner with the present case. The petitioner is in custody since 10.07.2020 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 recovery of mobile shown from the possession of the petitioner is totally baseless, the confessional statement of the petitioner has been extracted in police custody and as per allegation a SIM has been used in the looted mobile whose IMEI number is provided but the same SIM is issued in the name of one Puja Devi wife of Chintu Rajbanshi, the petitioner has otherwise no criminal antecedent and has remained in custody in connection with this case since 10.07.2020, this Court directs release of the petitioner above named 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 A.C.J.M.-IV,

Nalanda at Bihar Sharif in connection with Rajgir P.S. Case No. 216 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'.