

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24386 of 2021

Arising Out of PS. Case No.-9 Year-2020 Thana- NATHNAGAR District- Bhagalpur

RAHUL KUMAR Son of Late Nakul Tanti, Resident of Village - Fatehpur,
P.S.- Nathnagar, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-10-2021 Heard learned counsel for the petitioner and learned
APP for the State.

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

Prosecution case, in brief, is that on 04.01.2020, the
informant went to Kajhiya Gas Godown with the motorcycle of
his Bahnoi where from after taking Rs.10,000/- from my
Bahnoi, he went to his house and when he reached in between
By-pass road to Mohanpur road then four persons overtook him
from motorcycle and directed him to stop and on the point of
knife they took away the key of motorcycle. The accused
persons also snatched Rs.10,000/- and his mobile phone too and
fled away with motorcycle.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. He further submits that the petitioner is not named in the FIR. On the basis of confessional statement of co-accused, namely, Sikandar Kumar, the petitioner made accused in this case. There is no any incriminating articles has been recovered from the conscious possession of the petitioner and there is no T.I. Parade till date. The petitioner is languishing in judicial custody since 17.08.2020. The petitioner has got 03 criminal antecedents, which is mentioned in para 3 of the bail petition.

Learned APP for the State vehemently opposed the prayer for bail application.

Considering the aforesaid facts and circumstances of the case and that there is no any incriminating articles has been recovered from the conscious possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Nathnagar (Madhusudanpur) P.S. Case No. 09/2020 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will



also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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