

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27280 of 2021

Arising Out of PS. Case No.-526 Year-2020 Thana- AGAMKUAN District- Patna

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ROHIT RAJ, S/O PANKAJ KUMAR R/O MUHALLA-RAJENDRA, ROAD
NO.10 (MAHMUDDI CHAK), P.S- KADAMKUAN, DISTRICT-PATNA.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, A.P.P

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 15-12-2021 Heard Mr. Shivendra Kumar Sinha, learned counsel

appearing on behalf of the petitioner and Sri Ajit Kumar, learned

A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 01.12.2020, seeks
bail in connection with Agamkuan P.S. Case No. 526 of 2020, for the
offence punishable under Sections 394, 411 and 120(B) of the Indian
Penal Code.

The prosecution case, in brief, is that the accused persons,
after brutally injuring the guard, deputed on the duty, entered into the
office of Rishav Automobile Private Ltd., and after forcefully taking
key from the cashier took away Rs. 7,48,600/- from the drawer of the
said office.

Learned counsel appearing on behalf of the petitioner
submits that since the petitioner was made accused in Agamkuan P.S.



Case No. 581 of 2020, he has been roped in the present case only on suspicion. He further submits that petitioner is not named in the F.I.R. and even though, the injured guard had identified the petitioner and informed the informant as alleged the name of petitioner was not disclosed in the F.I.R. On the basis of enmity, the petitioner has been dragged in the present case. He further submits that the alleged recovery of Rs. 1,25,000/- was not the stolen amount, rather, the same has been kept by the petitioner for some different work. He further submits that petitioner was forced to give his statement under the Police custody, however, the petitioner was not involved in committing the theft.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail to the petitioner. In this regard, he refers to paragraph No. 87 of the case diary that Rs. 1,25,000/- has been recovered from the house of the petitioner as such he is not entitled to be released on bail.

Considering the aforesaid facts and circumstances of the case, perusal of the case diary and rival submission of the parties, the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate-I, Patna City in connection with Agamkuan P.S. Case No. 526 of 2020 subject to the following conditions:-

(1) The petitioner is directed to give his attendance to the



local Police Station i.e. Agamkuan, Kadamkuan and Bahadurpur on every 15th day of the month. The S.H.O of the said Police Stations are directed to furnish the attendance report of the petitioner every month to the Superintendent of Police, Patna.

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

(3) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(4) 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.

(5) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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