

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31265 of 2021**

Arising Out of PS. Case No.-452 Year-2018 Thana- LALGANJ District- Vaishali

RAKESH KUMAR Son of Jaglal Sahani Resident of Village- Jehanabad
Abullahpur, P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 26-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Video Conferencing.

The petitioner seeks bail in connection with Lalganj P.S. Case No. 452 of 2018 registered for the offence under Sections 392 of the Indian Penal Code.

The case relates to loot of cash of Rs.1,47,784/- and Rs. 1,61,772/-along with mobile phones.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Neither the petitioner has been



named in the F.I.R. nor anything incriminating has been recovered from his conscious possession. More particularly, the petitioner has not been sent to T.I. parade and merely on the basis of confessional statement of the co-accused, namely, Suraj Sahani, name of this petitioner surfaced in this case. Save and except that, no cogent material has come against the petitioner. Moreover, the co-accused, namely, Suraj Sahani, Arvind Sharma and Dharmendra Sahani @ Dharmendra Kumar, having more or less similar allegation, have already been granted bail by a co-ordinate Bench of this Court vide order dated 17.10.2019, 10.07.2020 and 15.12.2020 passed in Cr. Misc. No. 63276 of 2019, Cr. Misc. No. 21977 of 2020 and Cr. Misc. No. 33445 of 2020, respectively. The petitioner is rotting in judicial custody since 30.04.2019.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 16th Additional Chief Judicial Magistrate, Vaishali at



Hajipur in connection with Lalganj P.S. Case No. 452 of 2018
with the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

braj/-

U		T	
---	--	---	--

