

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31215 of 2021**

Arising Out of PS. Case No.-477 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

RAHUL SONI Son of Late Lakhi Seth Resident of Village- Kazipura Khidi
Ghat, P.S.- Sasaram, District- Rohtas at Sasaram.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr.APP

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

2 26-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Bhabua P.S. Case No. 477 of 2020 registered for the offence punishable under Section 394 of the I.P.C.

According to prosecution case, on 24.07.2020 at about 22:10 hours while he was going to his house on his motorcycle, three accused persons riding on a motorcycle came and stopped his motorcycle. The accused persons started assaulting him. The accused persons took away the informant's motorcycle as well as his belongings.



Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case village dirty politics. No stolen article has been seized or recovered from the physical possession of petitioner or from his house. Only on the basis of alleged confessional statement of co-accused Mannu Yadav, the police remanded the petitioner in this case on 04.01.2021. Learned counsel further submits that co-accused Mohit Diwakar has been granted bail by a co-ordinate Bench of this court vide order dated 13.09.2021 passed in Cr. Misc. No. 21555 of 2021. Petitioner is in custody since 04.01.2021. Petitioner carries two criminal antecedent.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Bhabua (Kaimur) in connection with Bhabua P.S. Case No. 477 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)

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