

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35097 of 2021

Arising Out of PS. Case No.-329 Year-2019 Thana- BHAGWANPUR District- Vaishali

RAHUL KUMAR SON OF VIJAY RAY R/O VILLAGE- SADAPUR
DASRATH CHOK, P.S.- MAHUA, DIST.- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bela Singh

For the Opposite Party/s : Mr. Kalyan Shakar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-08-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Bhagwanpur Police Station Case No. 329 of 2019, registered for
the offences punishable under Section 392 of the Indian Penal
Code.

This is the second attempt on behalf of the petitioner
for grant of regular bail. Earlier, the prayer for regular bail of the
petitioner was rejected by this Court, vide order, dated
11.01.2021, passed in Criminal Misc. No. 28612 of 2020, giving
liberty to the petitioner to renew his prayer for bail after three
months from the date of the order.

The allegation, as per the First Information Report, is
that three unknown persons entered into the Uttar Bihar Gramin



Bank, Prataptand Branch, and looted a sum of Rs. 1,78,176/- on the gun point.

Learned Counsel for the petitioner submits that the petitioner is not named in the First Information Report and the name of the petitioner has transpired on the basis of confessional statement of the co-accused and no incriminating material and/or looted property has been recovered from the conscious possession of the petitioner. He further submits that petitioner has not been put on Test Identification Parade and the petitioner is in custody since 14.02.2020.

This Court, vide order, dated 07.07.2021, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned 8th Additional Sessions Judge, Vaishali, at Hajipur, and from perusal of the same, it would be evident that charges have been framed against the petitioner and co-accused Mukesh Kumar on 15.03.2021 and summonses have been issued to the prosecution witnesses, but no witness has turned up as yet.

Regard being had to the submission advanced on behalf of the parties and taking into consideration the materials on record and the fact that charges have been framed against the



petitioner, the petitioner is in custody since 14.02.2020, the trial is not likely to be concluded in near future due to COVID-19 pandemic and this the second attempt on behalf of the petitioner for grant of regular bail, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Vaishali, at Hajipur, in connection with Bhagwanpur Police Station Case No. 329 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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