

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33574 of 2021

Arising Out of PS. Case No.-185 Year-2020 Thana- BIHPUR District- Bhagalpur

RAHOOL KUMAR SAH Son of Late Kapildev Sah Resident of Village -
Kurpat, P.S.- Sabour, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-12-2021 Heard learned counsel for the parties.

Petitioner seeks regular bail in connection with
Bihpur (Jhandapur) P.S. Case No. 185 of 2020 registered for the
offence under Section 379 of the I.P.C. and subsequently added
Section 395 of the I.P.C.

The allegation as per the First Information Report is
that some unknown thieves stolen the tractor of the informant
while the informant after parking the same on the road side went
to attend nature's call.

Learned counsel for the petitioner submits that
petitioner is not named in the First Information Report and
subsequently Section 395 of the I.P.C. has been added on the
basis of the re-statement of the informant recorded by the
Investigating Officer in which he has changed earlier



prosecution story by stating that unknown accused persons arrived on their Bolero vehicle and pulled the informant out from his tractor and kept him in the Bolero vehicle and fled away with the informant's tractor. Learned counsel next submits that name of the petitioner transpired on the basis of confessional statement of the co-accused / Bikash Kumar made in Industrial Area P.S. Case No. 48 of 2020 and thereafter the petitioner has been made accused in other three cases also including Industrial Area P.S. Case No. 48 of 2020. Learned counsel next submits that no looted article and / or incriminating material has been recovered from the possession of the petitioner and he is in custody since 22-01-2021.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that no looted article has been recovered from the possession of the petitioner, he is in custody since 22-01-2021, the petitioner has not been put to T.I. Parade and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to



the satisfaction of learned A.C.J.M.-I, Naugachia (District Bhagalpur or successor court in connection with Bihpur (Jhandapur) P.S. Case No. 185 of 2020 on the following conditions:-

(i) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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