

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37502 of 2021**

Arising Out of PS. Case No.-828 Year-2020 Thana- KHAGARIA District- Khagaria

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Rahul Kumar Son of Raj Kumar Gupta Resident of Kachhari Road, Near
Exchange office, Police Station - Khagaria (Chitragupta Nagar), District -
Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh
For the Opposite Party/s : Mr.Prem Kumar Jha

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 21-09-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner seeks bail in Khagaria (Chitragupta
Nagar) P.S. Case No. 828 of 2020, registered for the offence
under Section 461, 379 of the Indian Penal Code and later on
Section 411 of the Indian Penal Code was also added.

As per the prosecution case, some unknown
miscreants, after breaking the door of informant's shop,
committed theft of valuable articles worth Rs. 90,000/- (ninety
thousand).

Petitioner is not named in the FIR. Name of the
petitioner has transpired on the basis of confessional statement
of co-accused before the police, which has got no evidentiary
value. No incriminating article has been recovered from the
possession of the petitioner. In fact, the theft articles have been



recovered from the house of co-accused Vishal Kumar @ Karka.
Petitioner is in custody since 01.11.2020. Chargesheet has
already been submitted.

Learned A.P.P. for the State has opposed the bail
petition.

Considering the aforesaid facts and circumstances, the
bail petition of petitioner is allowed. 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 Judicial Magistrate 1st Class,
Khagaria in connection with Khagaria (Chitragupta Nagar) P.S.
Case No. 828 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial
and shall be properly represented on each and
every date fixed by the court below and shall
remain physically present, as directed by the
court below, 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.”

(Prabhat Kumar Singh, J.)

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