

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32249 of 2020

Arising Out of PS Case No.-97 Year-2020 Thana- SITAMARHI District- Sitamarhi

Rahul Kumar, Gender-Male, Aged about 24 years, Son of Bali Yadav,
Resident of Village - Rautara, P.S.- Rautara, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No 1, Advocate
For the State : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 27-01-2021

Heard Mr. Sanjay Kumar No. 1, learned counsel for the petitioner and Mr. Anil Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Sitamarhi PS Case No. 97 of 2020 dated 06.02.2020, instituted under Sections 399/401/414 of the Indian Penal Code and 20/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The allegation against the petitioner is that when the police, on secret information that 4-5 persons had assembled to commit crime, came to the place, out of five persons, two managed to run away and three were caught, including the petitioner and from the petitioner one instrument used in opening lock of dicky of motorcycle, one small knife and a mobile phone was recovered.



4. Learned counsel for the petitioner submitted that only on suspicion, he has been arrested. It was further submitted that the petitioner was not arrested in committing any offence and he has clean antecedent and is in custody since 07.02.2020.

5. Learned APP, submitted that instrument for opening the lock of dicky of motorcycle has been recovered from him along with a small knife.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Sitamarhi in Sitamarhi PS Case No. 97 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the



Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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