

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4741 of 2021

Arising Out of PS. Case No.-10 Year-2019 Thana- PIRO District- Bhojpur

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RAHUL KUMAR SON OF LATE BRIJ BIHARI SINGH RESIDENT OF
VILLAGE- IBRAHIMPUR, P.S.- PIRO, DISTRICT- BHOJPUR

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 24-02-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The Petitioner in the present case is seeking regular bail in connection with Piro P.S. Case No. 10 of 2019 registered for the offences punishable under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story the informant is a tractor driver and when he was returning to his village after unloading mobile phone towers, four unknown persons on two motorcycles stopped him and on the point of pistol asked him to come down from the tractor. They took his mobile, Rs. 700/- cash and after covering his face took him to a lonely place and fled away with the tractor.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.



Learned counsel submits that this petitioner has not been named in the First Information Report and there is no evidence to connect him with the alleged offence. It is further submitted that nothing incriminating has been recovered from his possession and he is languishing in custody since 22.06.2019.

Learned counsel for the petitioner has submitted that all the co-accused have been released on bail.

Learned A.P.P. for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein the prayer for bail was earlier rejected by this Court vide order dated 04.12.2019 passed in Cr. Misc. No. 72048 of 2019 and according to the report of the learned trial court the prosecution has not produced any single witness despite summons issued to the witnesses on 20.01.2020, the petitioner has remained in jail since 22.06.2019 and the trial is not likely to be concluded in near future, let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bhojpur at Ara in connection with Piro P.S. Case No. 10 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

