

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.272 of 2021**

Arising Out of PS. Case No.-246 Year-2019 Thana- BENIPATTI District- Madhubani

RAHUL SINGH @ RAJESH KUMAR S/O Jitendra Singh Resident Of
Village - Karmopur ,P. S. - Bidupur, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr.Jitendra Kr. Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 12-04-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Benipatti P.S. Case No. 246 of 2019
registered for the offence under Section 394 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
name of the petitioner has been brought in this case on the basis
of a confessional statement of the co-accused Reet Lal Mallik
and petitioner was taken on remand in the present case on
01.01.2020, however save and except the confessional statement
there is no material against him. He has not been put on T.I.
Parade and nothing incriminating has been seized from his
possession. It is submitted that considering that there is no



material to connect him with the present case and further he has earlier in jail in connection with this case at least from 01.01.2020 and in the cases stated in paragraph '3', except in one case, in all other cases he is on bail, the petitioner may be enlarged on bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner, however considering the facts and circumstances of the case and the materials placed before this Court showing that the petitioner has been brought in this case on the basis of confessional statement of the co-accused and thereafter he is in custody in connection with this case since 01.01.2020, he has not been put on T.I. Parade and nothing incriminating is said to have been recovered from his possession and in the cases stated in paragraph '3', except in one case, he is on bail in all other cases, this court directs release of the above-named petitioner on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Benipatti, in connection with Benipatti P.S. Case No. 246/2019, 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

