

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57003 of 2021

Arising Out of PS. Case No.-220 Year-2021 Thana- RAJGIR District- Nalanda

Ravi Kumar Son Of Sri Balkeshwar Ravi Das Resident Of Village- Birchait,
P.S.- Silaw, District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sadanand Paswan,Advocate

For the Opposite Party/s : Mr.Md.Fahimuddin,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 25-10-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

This matter has come up for consideration on an urgent mentioning made by learned counsel for the petitioner. The attention of this Court has been drawn today towards the supplementary affidavit filed on behalf of the petitioner. It is stated that the petitioner is an appearing candidate of Intermediate Science Examination 2020-22. His examination for sentup for appearing in the main examination is going on in the school i.e. R.G.L +2 High School Chhabilapur, Nalanda. The affidavit further states that the sentup examination has begun on 21.10.2021 and is going to end tomorrow i.e. 26.10.2021 but the Headmaster of the school has assured to the guardian of the petitioner that he would re-schedule the said examination for the



petitioner if the petitioner is released on bail before 07.11.2021.

In the kind of prayer made before this Court, Mr. Md. Fahimuddin, learned APP for the State has no objection if the matter is taken up for consideration out of turn.

The petitioner in the present case is seeking regular bail in connection with Rajgir P.S. Case No. 220 of 2021 registered for the offences punishable under Section 379 of the Indian Penal Code. He is in custody since 09.07.2021. He has no criminal antecedent.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and his name has transpired in the confessional statement of the co-accused Munna Kumar. It is further submitted that such confessional statement of the co-accused is not admissible evidence and save and except that there is no other material against the petitioner. Nothing incriminating has been recovered from the possession of the petitioner.

Learned counsel further submits that the petitioner has got no criminal antecedent and considering the nature of the offence alleged and the period of custody of this petitioner as also that the investigation against him is complete and keeping in view that the petitioner is a student who has to appear in the



examination, this application itself may be disposed of granting bail to the petitioner.

Mr. Md. Fahimuddin, learned APP for the State has though opposed the prayer for regular bail of the petitioner but at the same time does not dispute that the petitioner is not named in the FIR and there is no recovery of any incriminating article from his possession as also that investigation against him is complete.

In the nature of the offence alleged and that the petitioner who is a student has to appear in the sent up examination as also that he has remained in custody for over three months and investigation against him is complete, this Court directs release of the petitioner above named 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 Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Rajgir P.S. Case No. 220 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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.

Let the order be communicated to the learned court below through FAX today itself.

(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'.

