

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10495 of 2021**

Arising Out of PS. Case No.-287 Year-2019 Thana- SAHPUR District- Patna

RAHUL KUMAR Son of Bablu Sao @ Kundan Lal Gupta Resident of
Mohalla- Pethiya Bazar, Kali Asthan, P.s.- Danapur, Dist- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kishore Kunal, Advocate
For the Opposite Party/s : Mr. Sharda Kumari, APP

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

5 13-08-2021 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.

Heard learned counsel for the petitioner and Ms. Sharda
Kumari, learned APP for the State.

Petitioner in the present case is seeking regular bail in
connection with Shahpur P.S. Case No. 287 of 2019 registered for the
offences punishable under Sections 395, 397 of the Indian Penal
Code. He is in custody since 4.2.2020.

Learned counsel for the petitioner submits that he has filed
a supplementary affidavit in this case disclosing complete criminal
antecedent of seven cases which is on the record. Petitioner is said to
be on bail in all the cases stated in supplementary affidavit.

Learned counsel for the petitioner submits that so far as

the present case is concerned he is not named in the First Information Report. His name has transpired in the confessional statement of the co-accused Santosh Kumar @ Bakariya and Shubham @ Chadda @ Chadhwa. It is submitted that these two co-accused have been granted bail by learned coordinate Benches of this Court in Cr. Misc No. 34693 of 2020 and 27999 of 2020 respectively. Learned counsel submits that the petitioner has remained in custody in connection with this case for over one and a half year, the investigation against him is complete but the trial is not likely to take place in near future, therefore, prayer for bail of this petitioner be allowed.

Learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that the said petitioner is one of the accused who has participated in the alleged occurrence of the loot of rupees three lacs from the petrol pump. It is however not denied that co-accused similarly situated have been granted bail by learned coordinate Benches of this Court.

Considering the facts and circumstances of the case wherein this Court has noticed that the name of the petitioner has transpired in the confessional statement of the co-accused, however, the co-accused has been granted bail by learned coordinate Benches of this Court and in connection with this case the petitioner has remained in custody for one and a half year approximately, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner on bail

on furnishing bail bonds 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. 1st, Danapur in connection with Shahpur P.S. Case No. 287 of 2019, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

And further condition that finding the criminal antecedent of the petitioner this Court directs that henceforth petitioner shall mark his attendance during pendency of the trial at least once in

every two months before the SHO of Danapur Police Station within whose jurisdiction the petitioner is residing. The petitioner will furnish his complete mobile no. etc. to the SHO of the Police Station and in case he is required to go outside the jurisdiction of the police station in connection with any employment etc. he would inform this to the SHO of the Police Station with his complete address and contact number. In case of breach of this condition it will be the responsibility of the SHO to bring it to the notice of the learned court below for cancellation of the bail of the petitioner.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SONALI/-

U		T	
---	--	---	--

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'.