

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5522 of 2022

Arising Out of PS. Case No.-132 Year-2018 Thana- RASULPUR District- Saran

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Raja Kumar Singh @ Rahul Kumar Singh @ Raja Son Of Late Sohan Singh
@ Late Jagdish Singh R/O Village- Nipaniya, P.S.- Isuapur, District- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Rasulpur P.S.Case No. 132 of 2018 for the
offences punishable under Sections 395, 397 of the Indian
Penal Code.

As per the prosecution case, it is alleged that on
26.10.2018, while the informant was closing his shop 4 to 5
miscreants armed with weapon assaulted the informant
by means of pistol and knife and looted his ornaments,
documents and other valuable goods.



It is submitted by the learned counsel for the petitioner that FIR has been instituted against unknown persons and no recovery of any looted articles, either from conscious or constructive possession of the petitioner has been made and moreover, till date he has not been put on TIP. He further submits that the name of the petitioner has transpired on the confession of co-accused Vicky Kumar and Sandip Kumar, whose statements were recorded under police custody, not admissible in the eye of law. Moreover, investigation has already been completed and charge sheet has been submitted. Petitioner is in custody since 05.07.2021.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner is also involved in one other case.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is not named in the FIR and except the confessional statement of co-accused persons, there is no material against this petitioner and he is in custody since 05.07.2021 and moreover, investigation has already been completed and



charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Masgistrate, Chapra, Saran in connection with Rasulpur P.S.Case No. 132 of 2018 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J.)

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