

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11349 of 2022**

Arising Out of PS. Case No.-762 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Rahul Kumar Son of Balindra Paswan R/O Village- Panapur, Dighi, Gaurahi Ghogtani Pethiya, Chak, Baladhari, Balwakuwari, P.S.- Sadar (HAJIPUR), District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. Uday Pratap Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 11-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Sadar (Hajipur) P.S. Case No. 762/2020 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per prosecution case, on 18.11.2020 the informant was at his jewellery shop and was showing the catalogue of chain to his customer, Dithij Kumar. It is further alleged that in the meantime altogether four miscreants arrived there on a motorcycle and after parking it in front of the shop of the informant and three miscreants entered into the shop of the



informant. The miscreants pointed pistol on the informant and asked him for opening the locker. The informant stated that there was no locker. The miscreants were in the age group of 20-22 years and had covered their faces by mask. The miscreants were carrying pistol, knife and two bombs in their hands respectively and fourth was standing outside the shop with the motorcycle in running condition. It is further alleged that all the ornaments were taken by the miscreants and just after coming out of the shop they also made a firing.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and nothing has been recovered from the conscious possession of the petitioner. He further submits that no T.I. Parade was conducted till date. The name of the petitioner transpired on the basis of the disclosure made by the spy after that petitioner and others were arrested by the police. On being arrested, the petitioner was forced by the police to make his confessional statement on coercion and subsequently some articles were alleged to be recovered from the house of the petitioner. The petitioner is languishing in custody since 15.12.2020 and bears criminal antecedent of two cases in which he is on bail. Charge sheet has



been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that looted articles were recovered from the house of the petitioner.

Considering the facts and circumstances of the case, argument advanced on behalf of both the counsels, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, **if trial is preferably not concluded within nine months from the date of receipt of the order**, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Vaishali at Hajipur, in connection with Sadar (Hajipur) P.S. Case No. 762/2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain



present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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