

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27309 of 2021

Arising Out of PS. Case No.-367 Year-2019 Thana- GORAUL District- Vaishali

RAJESH KUMAR SON OF SURENDRA SINGH Resident of Village-
Mohamadpur Turi, P.S.- Goraul, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 04-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 07.10.2020, seeks
regular bail in connection with Goraul P.S. Case No. 367 of
2019 registered for offences punishable under Section 392 of the
Indian Penal Code.

Prosecution case, in brief, is that on 08.10.2019 at
about 2.15 p.m., the informant Surendra Rai Along with
Kuldeep Ram was returning to his home. All of a sudden three
miscreants came on motorcycle and looted Rs. 1,50,000/- cash
and mobile from the pocket of the informant and fled away.



Learned counsel appearing on behalf of the petitioner submits that there is no eye witness of this case and the petitioner is not named in the F.I.R. F.I.R. has been lodged against unknown accused persons. He further submits that nothing has been recovered from the conscious possession of the petitioner and he was forced to confess in the police custody while he was taken into custody in another case relating to Goraul P.S. Case No. 282 of 2020. Till date petitioner has not been put on T.I.P. Parade. Charge-sheet has already been submitted. There is no evidence to implicate the petitioner for the allegation made in the F.I.R. except his own confessional statement which has no evidentiary value.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that there is statement of the independent eye witnesses in paragraph no. 114 of the case diary that they have seen the petitioner at some distance apart from the place of occurrence. Petitioner is having criminal antecedents and he is a habitual offender and as such his bail application be rejected.

Considering the above mentioned facts and circumstances of the case, taking into consideration that nothing has been recovered from the conscious possession of the



petitioner, the petitioner has not been put on T.I.P. till date, charge-sheet has already been submitted, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Vaishali at Hajipur in connection with Goraul P.S. Case No. 367 of 2019 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(Purnendu Singh, J)

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