

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16280 of 2022

Arising Out of PS. Case No.-214 Year-2021 Thana- BHAGWANPUR District- Begusarai

Rahul Kumar @ Rahul Kumar Sah Son of Late Prem Sagar Sah @ Late Prem Sagar Saha Resident of Village - Chakbiduliya, P.s.- Bibhutipur, Distt.- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 22-08-2022 Heard Mr. Sandip Kumar Gautam, learned counsel
for the petitioner and Mr. Jitendra Kumar Singh, who represents
the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under section 392 of the Indian
Penal Code in connection with Bhagwanpur P.S. Case No. 214
of 2021.

As per the allegation in the FIR, it is alleged that the
informant who was working with the 'Bandhan Bank' after
collecting money was returning. On the way, three unknown
miscreants on a motorcycle intercepted him on the point of
pistol and looted Rs. 1,09,665/- by breaking the dicky of the



motorcycle. Further they also snatched the Tab and mobile as also 'Aadhar' Card of the informant, whereafter they left the place of occurrence.

Learned counsel for the petitioner submits that he has been falsely implicated in this case only because he has criminal antecedent. During the investigation, his name has come up in the confessional statement of Bikram Kumar and Sunni Kumar but there has been no recovery from the conscious possession of the petitioner. It has further been submitted that by him that although he is in custody since 6.2.2022, no TIP has been conducted.

The learned APP on the other hand submits that both Bikram Kumar and Sunni Kumar have named him to be the third person who took part in the crime and as such his complicity cannot be ignored.

Considering the fact that the petitioner is in custody since 6.2.2022 (as stated in para-12 of the bail application), there is no recovery from his conscious possession, his name has come up on the confessional statements of Bikram Kumar and Sunni Kumar but no recovery took place as also the fact that no TIP has been conducted as yet, this Court is inclined to grant him the privilege of bail with conditions in view of the fact that



he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Begusarai, in connection with Bhagwanpur P.S. Case No. 214 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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