

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17770 of 2022

Arising Out of PS. Case No.-88 Year-2021 Thana- SARAI RANJAN District- Samastipur

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Rahul Jha @ Rahul Kumar S/o Shambhu Jha R/o village- Chand Chour Dih,
P.S.- Ujiarpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Sarairanjan P.S. Case No. 88 of 2021 registered for the offence
under Section 396 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 16.06.2021.

The allegation against the petitioner is to cause death,



while committing dacoity alongwith other co-accused persons and also while committing so, taken away cash of Rs.3,60,000/- (Rupees Three Lakh Sixty Thousand), which was withdrawn by the deceased from Central Bank of India, soon before the occurrence.

Learned counsel appearing on behalf of the petitioner submitted that, admittedly, informant is not the eye witness of the occurrence, where, the name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Rahul Kumar. It is submitted that nothing incriminating recovered or surfaced during the course of investigation in furtherance of the said confession, which may connect the petitioner with the present set of occurrence. It is pointed out that petitioner is involved in one more criminal case, in which he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail fairly, conceded that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned



above, as informant is not the eye witness of the occurrence and nothing surfaced in furtherance of the confessional statement, which may connect the petitioner with the present set of occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sarairanjan P.S. Case No. 88 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Samastipur, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner, duly supported by
the documents.

(iii) That one of the bailors shall be
Tuna Devi, who is the mother of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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