

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29489 of 2021**

Arising Out of PS. Case No.-433 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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RAHUL @ NARIYAL @ RAHUL SAH Son of Late Munna Sah @ Tuntun
Resident of Mohalla - Kobibari, Sikandarpur, P.S.- Mojahidpur, District -
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 27-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Kotwali P.S.
Case No. 433 of 2020 registered for the offences punishable
under Section 392 of the IPC.

The FIR of the occurrence of loot is against unknown.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and he has falsely been
implicated in the present case only on the basis of confessional



statement of co-accused Umang Kumar Sah. It is further submitted that till today no TIP has been conducted by the police and as a matter of fact, no incriminating article has been recovered from conscious possession of the petitioner. He further submits that co-accused Aniket Kumar Pandey has been granted bail by the court below itself and petitioner is in custody since 07.10.2020.

The learned Additional Public Prosecutor vehemently opposed the prayer of bail on the ground that petitioner carries seven criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali P.S. Case No. 433 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. 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.

3. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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