

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23426 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- MAKHDUMPUR District- Jehanabad

Rahul Kumar S/o Late Naresh Das Resident of Village- Babhna Mahmadpur,
Police Station- Jehanabad, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan Prasad No. 1, Advocate.

For the Opposite Party/s : Ms. Sangeeta Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-06-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Rabi Bhushan Prasad, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Makhdumpur P. S. Case No. 12 of 2022 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 07.01.2022 two persons came and hired the tempo of the informant for going to Belaganj but in the way both the



miscreants allegedly snatched his tempo along with mobile phone, documents, driving licence, cash of Rs. 2,000/- on the point of pistol by tying the hands and legs of the informant.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against unknown person, however, during the course of investigation, on the basis of CDR, the name of the petitioner has been implicated in this case, though the petitioner is in custody since 21.01.2022 but till date neither he has been put on TIP nor any incriminating material has been recovered from the person or possession of this petitioner. It is further submitted that during the course of investigation no material has come except the CDR report which suggests the complicity of the petitioner. It is next submitted that this petitioner has absolutely fair antecedent and moreover, the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the name of the petitioner has surfaced on the basis of CDR and further this petitioner confessed before the Police about his involvement in the present crime.

Having considered the submissions made on behalf



of the parties and taking into account the fact that the petitioner was neither named in the F.I.R. nor any incriminating material has been recovered from the person or possession of this petitioner and moreover, he is in custody since 21.01.2022 but till date he has not been put on TIP, so far the investigation of the crime is concerned, the same has already been completed and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Jehanabad in connection with Makhdumpur P. S. Case No. 12 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will
liable to be cancelled.

(Harish Kumar, J)

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