

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22830 of 2022

Arising Out of PS. Case No.-76 Year-2021 Thana- VIDYAPATINAGAR District- Samastipur

Rahul Kumar son of Shiv Shankar Rai @ Shiv Shankar Ray Resident of
Village - Sahit, P.S.- Vidyapati Nagar, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Sinha

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with Vidyapati Nagar P.S.Case No. 76 of 2021
for the offences punishable under Sections 395 and 397 of
the Indian Penal Code.

As per the prosecution case, it is alleged that while
the informant along with one Balram Sahni and Vivek Sahni
were riding on their motorcycle, five persons on three
motorcycle surrounded and intercepted them and on a point



of pistol snatched Rs. 2000/- and golden locket.

It is submitted by the learned counsel for the petitioner that the FIR has been instituted against unknown persons. However, the name of the petitioner has been remanded in this case from Vidyapati Nagar P.S. Case No. 77 of 2021 on 10.9.2021 and since then he is in custody. It is next submitted that looted article has not been recovered from the petitioner. It is next submitted that co-accused persons namely, Amarnath Mahto has already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 3692 of 2022 vide order dated 20.05.2022.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner has multiple criminal antecedent mentioned in Para-3 of the petition.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is not named in the FIR nor he has put on TIP. Petitioner's name has been surfaced on the confessional statement of co-accused and no looted or incriminating article has been recovered from possession of the petitioner. Moreover, co-



accused person having similar allegation has been granted bail by co-ordinate bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Dalsingsarai, Samastipur in connection with Vidyapati P.S. Case No. 76 of 2021 subject to the condition that one of the bailors will be the close relatives 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.

(v) 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 cancelling 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.

(Harish Kumar, J.)

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