

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23727 of 2022

Arising Out of PS. Case No.-237 Year-2020 Thana- SAHEBPUR KAMAL District-
Begusarai

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Rupesh Kumar Son Of Sunil Yadav R/O Village- Pakrail Mungeria Tola, P.S.-
Maheshkhunt, District- Khagaria (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lakshmi Kant Tiwary, Advocate.

For the Opposite Party/s : Mr.Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 15-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner seeks regular bail in connection with
Sahebpur Kamal P.S. Case No. 237 of 2020 registered for the
offence under Section 394 of the Indian Penal Code.

Allegedly four accused persons riding two motorcycles
overtook the informant's vehicle when he was returning after
having sold some goats and thereafter the said accused persons
stopped the informant's vehicle and started abusing and assaulting
him and after that on the point of arms looted a sum of Rs.
1,98,750 along with mobile phones from the possession of
informant and his companions.



The main submissions advanced by learned counsel for the petitioner are that against the petitioner there are five criminal cases as his criminal antecedent in which he is on bail and in the present case he has been dragged merely on the basis of confessional statement of co-accused Nikesh Kumar recorded by the police and the said co-accused has been considered for regular bail by this Court vide order passed in Cr. Misc. No. 67738 of 2021 and other co-accused persons Daulat Paswan, Ajay Kumar Yadav carrying similar nature of allegation have also been granted the same privilege vide orders passed in Cr. Misc. No. 15151 of 2022 and Cr. Misc. No. 58098 of 2021 respectively. Further submission is that against the petitioner there is no legal evidence except the statement of co-accused which has no legal force and during his police custody nothing incriminating material was recovered by the police.

Learned APP appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly petitioner's plea that except the statement of co-accused made before police there is no material against him to connect him to the alleged offence and also considering his plea that some similar situated co-accused persons have been granted bail by this Court as well as other benches of this Court vide orders passed in above-



mentioned criminal miscellaneous cases, in my view a lenient approach can be taken in respect of petitioner's prayer let the petitioner 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 concerned Court in Connection with Sahebpur Kamal P.S. Case No. 237 of 2020, on 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 below and shall remain physically present as directed by the Court below 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) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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