

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26427 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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RAKESH KUMAR S/O NARESH SAH R/o village- Garhpura, P.S.-
Garhpura, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
Mr. Arjun Prasad, Advocate
For the Opposite Party/s : Mr. Raj Kishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Cheriya Bariyarpur P.S. Case No. 12 of 2022 under sections 394
and 397 of the Indian Penal Code.

As per the prosecution story, the informant has
alleged that he along with his staff were sitting in his grocery
shop where it is alleged that a young man in blue colour track
shoot with a bag entered his shop, pointed pistol and decamped
with Rs. 75,000/- from his drawer.

Learned counsel for the petitioner submits that



although the petitioner was arrested on 20.1.2022 (as stated in para-12 of the bail application), the police has failed to conduct T.I.Parade. He further submits that his name has come in the confessional statement of Jitendra Kumar @ Jittu but there has not been any recovery/seizure from his conscious possession. He lastly submits that the similarly placed co-accused, Jitendra Kumar @ Jittu, on whose confessional statement he has been arrested, has since been enlarged on bail in Cr. Misc. No. 26152 of 2022 vide order dated 12.08.2022.

Let the same be kept on record.

Taking into account all the aforesaid facts including the fact that he is in custody since 20.1.2022, charge-sheet stands submitted and no T.I. Parade was done (as per para-10 of the bail application), this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-1st, Manjhaul, Begusarai, in connection with Cheriya Bariyarpur P.S. Case No. 12 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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