

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27675 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- KARTAHA District- Vaishali

Rahul Kumar, Son of Dhananjay Singh, Resident of Village - Ghataro Tola
Ram Nagar, P.S. - Kartaha, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshul, Adv.

Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Kartaha P.S. Case No.13/2022 instituted under Sections
323, 341, 436, 294, 504, 506/24 of the IPC and 27 of the Arms
Act.

The allegation against the petitioner is that they
poured kerosene oil on the hut and put it on fire with an
intention to kill the informant. Fortunately, he was away. Further
allegation against this petitioner is that he drove away his cow
and when the informant tried to make a video showing his
private parts and started abusive language.



Learned counsel for the petitioner submits that the petitioner is mentally derailed person and the allegation that has been made cannot be expected from a normal person. He further submits that he do not have any criminal antecedent and has already suffered by being in custody since 13.03.2022 (as stated in para-11 of the bail application).

Considering the aforesaid fact that the petitioner is in custody since 13.03.2022, has no criminal antecedent and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Kartaha P.S. Case No.13/2022 to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, subject to following conditions:

(i) one of the bailor should be the family member 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 cancellation of his



bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, 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)

Prakash Narayan /-

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