

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27984 of 2022

Arising Out of PS. Case No.-58 Year-2019 Thana- NIMACHANDPURA District- Begusarai

RAHUL KUMAR @ RAHUL KUMAR THAKUR @ RAHUL THAKUR
S/o Late Mukund Thakur R/o village- Chandpura, Ward No. 16, P.S.-
Neemachandpura, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

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

The petitioner is in judicial custody in connection
with Neemachandpur P.S. Case No. 58 of 2019 for the offences
under Sections 448, 341, 385, 307 and 504/34 of the Indian
Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the informant has
alleged that half a dozen accused persons entered into the home
of the informant and demanded ransom of Rs. 5 Lakhs. Upon
refusal, it is alleged that on the order of Ashutosh Singh, the
petitioner herein opened fire which crossed the body of the



informant but did not hit him. Thereafter, it is alleged that the others accused persons also opened fire which hit his arm as also leg and other places of the body.

Learned counsel for the petitioner submits that so far as this petitioner is concerned, the only allegation against him is that he opened fire which did not hit the informant. He further submits that he is in custody since 31.01.2022 (as stated in paragraph-11 of the bail application) and has been implicated in this case due to village rivalry.

Considering the fact that charge sheet stands submitted, he is in custody since 31.01.2022 as also that he ultimately has to face the trial, 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 Judicial Magistrate, 1st Class, Begusarai in connection with Neemachandpur P.S. Case No. 58 of 2019, subject to the 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 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) he 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;

(v) 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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