

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30399 of 2022

Arising Out of PS. Case No.-171 Year-2022 Thana- MAJHAULIA District- West Champaran

Rakesh Kumar Son of Late Manoj Singh R/O- Vill-Nandpur, P.S.-
Suryagarha, Dist.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with (West
Champaran) Majhauliya P.S. Case No.171/2022 registered for
the offences punishable under Sections 356, 379 of the Indian
Penal Code.

As per prosecution case, the informant and his brother
were going to purchase the electric items. It is alleged that they
reached near Rampurwa Petrol Pump, in the meantime, one
motorcycle with two persons came and asked about the way of
Raxaul and after few minutes one Scarpio came there and one
person snatched Rs.1,00,000/- (one lakh) and another person



snatched Rs.50,000/- (Fifty thousand) from his pocket and brother's pocket and fled away.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and the name of petitioner has been surfaced on basis of confessional statement of co-accused, namely Bittu Kumar. Nothing has been recovered from the possession of the petitioner and he has neither arrested on spot nor from his house. He further submits that there is no T.I. Parade till date and the petitioner is a constable. The petitioner is languishing in custody since 15.03.2022 and the petitioner bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge has already been submitted, petitioner was not apprehended on spot and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with (West Champaran) Majhauriya P.S. Case No.171/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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