

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44158 of 2021

Arising Out of PS. Case No.-18 Year-2020 Thana- UDAKISHUNGANJ District- Madhepura

RUPESH SHARMA @ RUPESH KUMAR DAS Son of Suresh Das Resident
of Village - Shitalpatti, P.S.- Sour Bazar, Distt.- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Surendra Mohan

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-02-2022

Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 25.12.2020,
seeks regular bail in connection with Udakishunganj P.S. Case
No. 18 of 2020, for the offence punishable under Sections 392 of
the Indian Penal Code.

The prosecution case, in brief, is that on 24.01.2020
while informant was going to Uda-Kishunganj, Bank at 1.20
P.M., the accused persons named in the F.I.R., including the
petitioner, dashed his motorcycle due to which he fell down
and thereafter, they snatched his bag, containing roll machine,



group register and cash of Rs. 72750/-. It is further alleged that they took away Rs. 350/-, one mobile and key of his motorcycle and, thereafter, they tried to flee away, but, on chase, one co-accused Sidhu Kumar was caught by the informant with the help of villagers, but rest of the accused managed to flee away. The informant further alleged that in the meantime, two persons, namely, Rajesh Kumar and Raushan Kumar reached there and they disclosed that three culprits have snatched their motorcycle, when they were going to Uda-Kishunganj to attend B.A. Part-II examination.

Learned counsel appearing on behalf of the petitioner submits that the name of the petitioner has surfaced in this case on the basis of confessional statement of one co-accused Sidhu Kumar, who was apprehended on the spot. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that co-accused Sidhu Kumar, who was apprehended on the spot has already been released on bail vide order dated 12.10.2020 passed in Criminal Miscellaneous No. 19839 of 2020 by a co-ordinate Bench of this Court.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.



Considering the aforementioned facts and circumstances of the case and the fact that there is no allegation of tampering the evidence or influencing the witnesses and the trial of the petitioner is not likely to be completed in near future due to pandemic of Covid-19. The learned Court below is directed to verify the criminal antecedent of the petitioner and if it is found that there is no other criminal cases are pending against the petitioner, as what has been stated in paragraph No.3 of the bail petition, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-I, Udakishunganj in connection with Udakisunganj P.S. Case No. 18 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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