

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35441 of 2022

Arising Out of PS. Case No.-738 Year-2021 Thana- MADHAURAH District- Saran

RAKESH NAT SON OF LATE RAM CHANDRA NAT R/O VILLAGE-
OLAHANPUR, P.S.- MARHOWRAH, DISTRICT- SARAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-09-2022 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
Marhowrah P.S. Case No. 738/2021 registered for the offences
punishable under Sections 457 / 380 of the Indian Penal Code
which was converted under Section 392 of the I.P.C. and added
under Section 395/412 of the I.P.C. vide order dated 10.03.2022.

As per prosecution case, the informant runs a medical
store at his house and on 23.12.2021 at about 12:00 pm, while
the informant was sleeping alongwith other family members,
three unknown persons committed theft of Rs. 2 lac besides some
ornaments and clothes after breaking the lock of the main gate
and the informant could not raise alarm out of fear of assault.



Hence, FIR is against unknown.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case by the police without any cogent material. The petitioner is not named in the FIR. The petitioner is languishing in custody since 04.03.2022 and bears criminal antecedent of three cases. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner was not put on T.I. Parade till date. The petitioner was apprehended in Baniyarpur P.S. Case No. 03/2022 and then he remanded in all other cases including the present case. Learned counsel for the petitioner further submits that the name of petitioner transpired in this case, on the basis of confessional statement of co-accused, Dabloo Singh @ Sudhansu Kumar Singh. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Sunil Kumar has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 30997/2022 and the case of present petitioner stands more or less on similar footing.

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, period of custody, petitioner is not named in the FIR, co-accused



has already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra in connection with Marhowrah P.S. Case No. 738/2021, 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 without appropriate permission, 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.

(Alok Kumar Pandey, J)

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