

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36190 of 2022

Arising Out of PS. Case No.-298 Year-2021 Thana- RAFIGANJ District- Aurangabad

SACHIN KUMAR @ SCHIDANAND KUMAR Son of Mahesh Das
Resident of Village - Gandhi Nagar, P.S.- Rafiganj, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-10-2022 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 Rafiganj
P.S. Case No. 298/2021 registered for the offences punishable
under Section 394 of the Indian Penal Code.

As per prosecution case, the informant's gold chain,
Rs.550/- and keys of motorcycle have been taken away by four
unknown miscreants.

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. The petitioner
bears criminal antecedent of two cases. The petitioner has been



remanded in this case from Rafiganj P.S. Case No. 262/2021 and is in custody since 04.03.2022. During course of investigation, the name of petitioner transpired in this case on the basis of confessional statement of co-accused, Ravi Kumar @ Bittu. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has not been put on T.I. Parade till date.

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, argument advanced on behalf of both sides 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., Aurangabad in connection with Rafiganj P.S. Case No. 298/2021, 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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