

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41086 of 2022

Arising Out of PS. Case No.-147 Year-2021 Thana- DINARA District- Rohtas

RAHUL KUMAR S/o Sanjay Chandrabanshi @ Sanjay Singh Resident of
Paswan Muhalla, Nokha, P.S.- Nokha, District- Rohtas (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tiwari Shwetketu

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-11-2022 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 Dinara
(Bhanas) P.S. Case No. 147/2021 registered for the offences
punishable under Sections 392 of the Indian Penal Code.
However, charge-sheet has been submitted under Sections 395
and 412 of the Indian Penal Code.

As per prosecution case, the informant alongwith his
brother-in-law was going to his village by motorcycle. It is
further alleged that the motorcycle has been taken away by the
miscreants on the gun point.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case due to dirty village politics. The petitioner is not named in the FIR. During the course of investigation, the name of petitioner transpired in this case on the basis of confessional statement of co-accused, Munna Kumar. The petitioner has been remanded in this case from Dinara P.S. Case No. 157/2021 on 25.01.2022 and since then he is in custody in this case. The petitioner bears criminal antecedent of 03 cases and in all cases he is on bail. Seizure list has not been prepared as per law. No any material or cogent evidence against the petitioner to demonstrate or connect the petitioner in the present case. He further submits that the petitioner has not been put on T.I.Parade till date. Co-accused, Anup Kumar has been granted bail by this Court vide Cr. Misc. No.20478/2022 and the case of present petitioner stands on similar footing. Co-accused, Munna Kumar has also been granted bail by this Court vide Cr. Misc. No.19832/2022.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the petitioner bears 03 criminal antecedents.

Considering the facts and circumstances of the case, period of custody, on the basis of principle of parity in which co-accused persons have already been granted bail, 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 A.C.J.M.-IIIrd at Bikramganj, District-Rohtas, in connection with Dinara (Bhanas) P.S. Case No. 147/2021, 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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