

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44037 of 2022

Arising Out of PS. Case No.-623 Year-2020 Thana- MAHUA District- Vaishali

Rahul Kumar @ Rahul Sahani, Son Of Suresh Sahni, R/O Village- Nirpur
Kushahi, P.S.- Patepur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Mahua P.S. Case No. 623 of 2020 registered for
the alleged offences under Section 392 of the Indian Penal
Code.

As per prosecution case, four unknown miscreants on
two bikes, carrying fire arms, snatched the bag of the informant
containing his certificates, aadhar card and other documents.
Thereafter, the informant received a phone call asking him to
come at a certain place to get his certificates, but when
informant went there he did not find anyone or anything. The



name of the petitioner transpired during investigation as one of the accused persons.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The occurrence took place on 22.10.2020 but the F.I.R. was registered on 25.10.2020 and no reasonable explanation has been given for the delay. No Test Identification Parade has been carried out. Police did not trace the phone number from which the call was made to the informant. Nothing incriminating has been recovered from the possession of this petitioner. The name of the petitioner transpired on the basis of confessional statement of co-accused Niwash Kumar and the said co-accused has been granted bail by this Court vide order dated 02.11.2022 passed in Cr. Misc. No. 3999 of 2022. The case of the petitioner is similarly placed. The petitioner was remanded in this case on 26.07.2021 and charge sheet has been submitted against him.

Learned APP opposes the prayer for bail of the petitioner submitting that the petitioner is having a number of cases pending against him.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and



also considering the period of custody of the petitioner as well as submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Vaishali at Hajipur in connection with Mahua P.S. Case No. 623 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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