

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55385 of 2021

Arising Out of PS. Case No.-509 Year-2020 Thana- PHULWARISHARIF District- Patna

RAHUL KUMAR S/o Lalit Yadav @ Lalit Ray R/o Village- Dariyapur Tola,
P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Prasad

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-04-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Phulwarisharif P.S.Case No. 509 of 2020 for the offences
punishable under Sections 395 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
18.9.2020, the informant, who is said to be driver of the pick
-up-van was going to Mithapur Mandi with loaded cucumber in
the meanwhile, a Scorpio over took his vehicle and 4 to 5
miscreants snatched his vehicle.

It is submitted by the learned counsel on behalf of the
petitioner that petitioner is not named in the F.I.R, but during the



course of investigation, petitioner was arrested in connection with Phulwarisharif (Janipur) P.S.Case No. 534 of 2020 and, later on after recording his confessional statement ,he has been remanded in the present case. It is further submitted that the said pick-up-van has been recovered in an abandoned condition and no incriminating material has been recovered from possession of this petitioner and he is in custody since 25.11.2020 but till date he has not been put on TIP. It is next submitted that co-accused having similar allegation, namely Pardeshi Kumar has already been granted bail by a Bench of this Court in Cr. Misc, No. 50183 of 2021 vide order dated 25.03.2022. Copy of the order has been kept on record.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that petitioner has involved in two other cases. In reply to the submission made by the learned counsel for the State, the learned counsel for the petitioner submits that in both the cases, petitioner has been granted bail.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is not named in the F.I.R and no incriminating material has been recovered from possession of the petitioner and he has been remanded in the present case, on his own confession and moreover, the said pick-



up-van has already been recovered and he is in custody since 25.11.2020, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate,-IX, Patna in connection with Phulwarisharif (Janipur) P.S.Case No. 509 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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