

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64227 of 2021

Arising Out of PS. Case No.-195 Year-2019 Thana- SISWAN District- Siwan

Rahul Kumar @ Vikki Son of Vijay Prasad Resident of Village -
Mounabanganj, P.S.- Town (Chapra), Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Ms. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in a case registered for the
offences punishable under Section 394 of the Indian Penal Code
and Section 27 of the Arms Act.

According to prosecution case, on the basis of
fardbeyan of the informant Rakesh Kumar Singh recorded by
S.H.O. alleging therein that informant is a Field Officer in
Bandhan Bank, Chainpur and he was going to Ramgarh Village
after collecting an amount of Rs.68,955/- then two unknown
persons on a motorcycle tried to snatch his bag in which the
said money was kept and upon protest one of the person shot in



the finger of the informant due to which he fell down from the motorcycle and the accused persons fled away with the money and thus the present case has been registered against unknown.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired only on the basis of self confessional statement of the petitioner. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Vishwajeet Kumar Sah @ Sonu Gupta has been granted bail by a co-ordinate Bench of this Court vide order dated 26.03.2021 passed in Cr. Misc. No. 246 of 2021. The petitioner is in custody since 07.06.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Siswan (Chainpur O.P.) P.S. Case No. 195 of 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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