

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.55271 of 2022**

Arising Out of PS. Case No.-23 Year-2022 Thana- BARAUNI District- Begusarai

Rupesh Kumar @ Titahi S/o- Shankar Mahato R/O Village- Simariya Ghat
Lawki Bind Toli, P.S.- Barauni (Chakiya O.P.), District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Barauni (F.C.I. O.P.) P.S. Case No.23/2022 registered for the offences punishable under Section 392 and 397 of the Indian Penal Code. He is in custody since 09.03.2022. In the cases stated in paragraph '3' the petitioner has been remanded and he is still seeking bail in those cases.

Learned counsel for the petitioner submits that as per the prosecution story, three unknown miscreants entered into the shop of the informant and on the point of arm looted away Rs.1 lac from the cash counter and one mobile of Redmi Company.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR, his name has transpired in



the confessional statement of Bechan Mahto and the said Bechan Mahto has been granted privilege of bail by a learned coordinate Bench of this Court in Cr.Misc.No.35254/2022 vide order dated 16.09.2022.

Learned counsel submits that till date the petitioner has not been put on TIP and there is no other material to connect him with the present case. It is submitted that the petitioner is in custody in connection with the present case since 09.03.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted that the petitioner is not named in the FIR, his name has transpired in the confessional statement of Bechan Mahto, the said Bechan Mahto has been granted privilege of bail by a learned coordinate Bench of this Court in Cr.Misc.No.35254/2022 vide order dated 16.09.2022, in connection with the present case the petitioner has remained in custody since 09.03.2022, investigation against him is complete but till date he has not been put on TIP and there is no other material to connect him with the present case, there being no submission on behalf of the State that the release of the petitioner is likely to result in tampering with the evidence or



interfering with the course of trial or his presence cannot be secured in course of trial, at this stage, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Shri Kundan Kumar Gupta, learned Judicial Magistrate-1st Class, Begusarai in connection with Barauni (F.C.I. O.P.) P.S. Case No.23/2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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