

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59035 of 2022**

Arising Out of PS. Case No.-372 Year-2016 Thana- SHEKHPURA District- Sheikhpura

KALIYA RAJBANSHI @ BABUL RAJBANSHI @ VIVEK RAJBANSHI @  
BABUN RAJBANSHI @ VIKASH RAJBANSHI S/o Munna Rajbanshi  
Resident of vilage- Ramhari Pind, P.S.- Rajgir, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      23-12-2022                      Heard the learned counsel for the petitioner and the  
learned APP for the State.

The petitioner seeks regular bail in connection  
with Sheikhpura (Kusumbha O.P.) PS case no. 372 of 2016  
instituted for the offences punishable under Section 395 of Indian  
Penal Code.

The case of the prosecution in brief is that on  
26.12.2016 at about 9 pm in the night, 4-5 unknown miscreants  
had entered inside the house of the informant, whereafter, they had  
snatched the mobile phone, one black jacket, one torch and a purse  
containing Rs. 500/- from the informant and then the said  
miscreants had locked the informant inside his room and fled  
away. It is also alleged that the said miscreants had then closed the  
railway barrier, resulting in the vehicles of the passerby stopping



there, whereafter, they had looted them.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 19.04.2018. The learned counsel for the petitioner has further submitted, by referring to paragraph no. 13 of the present petition that only after the petitioner was arrested in one another case bearing Narhat PS case no. 10 of 2018, he has been remanded in 11 other cases, nonetheless, the petitioner is on bail in all the said 12 criminal cases. It is also submitted that in the present case, the petitioner has been remanded on the basis of confessional statement made by the co-accused person namely Rajbabbar Sao @ Gabbar @ Gabra, however, the said co-accused namely Rajbabbar Sao has already been granted bail by this Court vide order dated 19.07.2018, passed in Cr. Misc. no. 30120 of 2018. Lastly, it is submitted that no test identification parade has been held so as to connect the petitioner with the alleged crime.

*Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the co-accused person, who



has disclosed the name of the petitioner, has already been granted bail, apart from the fact that the petitioner is languishing in custody since more than 04 years, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura (Kusumbha O.P) PS case no. 372 of 2016.

**(Mohit Kumar Shah, J)**

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