

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71248 of 2021**

Arising Out of PS. Case No.-234 Year-2020 Thana- BIBHUTIPUR District- Samastipur

Md. Rahulla @ Rahul Son of Late Nurual Haq Resident of Village- Singhia,
P.S- Singhia, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi
For the Opposite Party/s : Mr.Mukeshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 10-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 392 of the Indian Penal Code.

According to prosecution case, the driver namely, Lalu Yadav was going from Jamui to Darbhanga by Bolero Pick-up van loaded with Cucumber and Custard Apple. On 16.08.2020 when he reached at Rosera Road near Shamshan Ghat, four accused persons came on Bolero Car and looted the aforesaid Pick-up van on gun point and accused persons also took away



Redmi mobile phone of driver and other OPPO mobile phone of Md. Sabir and snatched Rs. 15,000/-.

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 on the basis of confessional statement of co-accused namely, Vikas Kumar. He further submits that vehicle has been recovered from the possession of the petitioner. He further submits that till date no TIP has been conducted by the prosecution and police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 28.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three 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 Bibhutipur P.S. Case No. 234 of 2020, 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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