

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.59672 of 2022**

Arising Out of PS. Case No.-270 Year-2021 Thana- CHHATAPUR District- Supaul

Rakesh Kumar S/O Sikandra Yadav @ Surindra Yadav Resident of village-
Fulkaha, P.S.- Jadia, District- Supaul

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

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

2 23-12-2022 Heard learned counsel for the petitioner and Mr. Md.
Matloob Rab, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Chhatapur P.S. Case No. 270 of 2021 registered for the offences punishable under Section 392 of the Indian Penal Code. He is in custody since 21.10.2021. The petitioner has got eight criminal antecedents.

Learned counsel for the petitioner submits that as per the prosecution story, on 04.08.2021 at about 06:00 P.M., the informant reached near Bharatpur Road, East of Jhunki Chowk after supplying medicine and collecting cash from different places. Thereafter, four miscreants on two bikes came there and on point of pistol, snatched bag and cash Rs. 2,51,273/- and fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It



is submitted that the petitioner has eight criminal antecedents and he is in custody in connection with this case since 21.10.2021.

Learned counsel further submits that the petitioner is not named in the FIR and no incriminating article has been recovered from his possession. It is further submitted that the petitioner has not been put on test identification parade and his name has transpired in the confessional statement of the co-accused.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of this case wherein it is submitted that the petitioner is not named in the FIR, no incriminating article has been recovered from his possession, he has not been put on Test Identification Parade to ascertain his identity and the only reason for his involvement in the case is said to be the confessional statement of the co-accused in police custody and in all other seven cases stated in paragraph '3', the petitioner is not named, the petitioner has already remained in custody in connection with this case since 21.10.2021, the co-accused Md. Zubair and Md. Sakil have been granted bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 31971 of 2022, there being no submission on behalf of the State that release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs that the petitioner above named be released 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 learned Smt. Radha Kumari, J.M. 1st, Supaul in connection with Chhatapur P.S. Case No. 270 of 2021, 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 steps 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.

(Rajeev Ranjan Prasad, J)

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