

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71963 of 2021

Arising Out of PS. Case No.-391 Year-2021 Thana- BANIAPUR District- Saran

Rakesh Kumar Son of Kashi Sah Resident of Village- Rampur, P.S- Garkha,
Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kumari, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Baniapur P.S. Case No. 391 of 2021, lodged under Section 394
of the Indian Penal Code.

As per prosecution case, the allegation of robbery
against 3 unknown criminals are there in the F.I.R.

Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R., his name has figured in this
case by virtue of Spy. He further submits that Police has shown
recovery of 7 gram gold ornaments from the ornament shop of
petitioner. He also submits that neither petitioner nor recovered

gold were put on T.I.P. He also submits that it is but obvious that on the jewellery shop jewellery are available. He further submits that the said jewellery belongs to petitioner. Learned counsel for the petitioner further submits that petitioner is a man of clean antecedent and he is in custody since 16.10.2021 and ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Baniapur P.S. Case No. 391 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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