

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72268 of 2021

Arising Out of PS. Case No.-327 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

RAHUL KUMAR S/O BRAHMDEV PRASAD R/o- Bhaisani Tola,
Mansoorganj, P.S.- Malsalami, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 798 of 2022

Arising Out of PS. Case No.-327 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

RAJESH PATEL S/O LATE SHARDHANAND MAHTO R/o village-
Sarsawa Diara, P.S.- Mahnar, District- Vaishali, At present Sanchi Path
Jadamba Asthan, P.S.- Town, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 9347 of 2022

Arising Out of PS. Case No.-327 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

RAJESH KUMAR THAKUR @ RAJESH THAKUR SON OF SHYAM
THAKUR R/O VILLAGE- MATIHANI TOLA, HAJIPUR, P.S.-
MATIHANI, DISTRICT- BEGUSARI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 72268 of 2021)

For the Petitioner/s : Mr.Nityanand Kumar

For the Opposite Party/s : Mr. Dr. Mritunjan Kumar Gautam

(In CRIMINAL MISCELLANEOUS No. 798 of 2022)

For the Petitioner/s : Mr.Arbind Kumar Singh

For the Opposite Party/s : Mr.Nagendra Prasad

(In CRIMINAL MISCELLANEOUS No. 9347 of 2022)

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Nitya Nand Tiwary



ORAL ORDER

3 05-07-2022

A.P.P. for the State.

The petitioners seek bail in connection with Begusarai Town P.S. Case No. 327/2021 registered for the offences punishable under Sections 395 of the Indian Penal Code and later on charge sheet has been submitted under Sections 395/397/120B/412 of the Indian Penal Code.

As per prosecution case, five unknown persons entered into the jewellery shop and looted articles worth of Rs.19 lacs.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. The petitioners are not named in the FIR, the FIR has been lodged against unknown. He further submits that the petitioners are not apprehended on the spot and no incriminating articles has been from the possession of the petitioners. On the basis of self confessional statement, the petitioners have been made accused in this case and there is no value of confessional statement which are given before the police. There is no T.I.



Parade was conducted till date. The petitioner, Rahul Kumar is languishing in custody since 02.06.2021 and bears no criminal antecedent. The petitioner, Rajesh Patel is languishing in custody since 04.06.2021 and bears criminal antecedent of two cases. The petitioner, Rajesh Kumar Thakur is languishing in custody since 04.06.2021 and bears criminal antecedent of two cases in which he is on bail. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Varsha Kumari has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.23341/2022 and the case of the petitioners stand on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, the petitioners are not named in the FIR, nature of allegation, charge sheet has already been submitted, petitioners are not apprehended on the spot, and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial



Magistrate-1st Class, Begusarai, in connection with Begusarai
Town P.S. Case No. 327/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother
or sister or brother or wife or the person who has sworn the
affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain
present on all dates and absence for two consecutive dates
would be a ground for cancellation of bail by the learned Trial
court itself.

(iii) If the petitioners tamper with the evidence or the
witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

