

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4348 of 2023

Arising Out of PS. Case No.-251 Year-2021 Thana- AMAS District- Gaya

RAUSHAN MEHTA @ RAUSHAN KUMAR Son of Ranjay Mehta @ Rajay Prasad R/V- Pirwan, PS- Salaiya Distt- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 05.08.2022 in connection with Amas P.S. Case No. 251 of 2021, F.I.R. dated 10.09.2021 for the offences punishable under Section 395 of the Indian Penal Code.

According to prosecution case, in brief, is that six unknown miscreants came at his petrol pump and at the gun point they looted cash of Rs.1,03,000/- from the cash counter and fled away.

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



during investigation on the basis of confessional statement of co-accused persons namely, Rajesh Kumar, Ashish Kumar, Surendra Kumar Yadav and Dilip Kumar Yadav. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that except the confession statement of co-accused persons namely, Rajesh Kumar, Ashish Kumar, Surendra Kumar Yadav and Dilip Kumar Yadav no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Rajesh Yadav @ Rajesh Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 18.05.2023 passed in Cr. Misc. No. 18909 of 2023 and another co-accused namely, Guddu Singh Bhokta has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 24.05.2023 passed in Cr. Misc. No. 26246 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 05.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on



the ground that the petitioner carries one criminal antecedent 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 Sri Anup Rawat the learned Judicial Magistrate 1st Class, Sherghati at Gaya in connection with Amas P.S. Case No. 251 of 2021, 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)

mdrashid/-

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

