

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4681 of 2023

Arising Out of PS. Case No.-379 Year-2022 Thana- DESARI District- Vaishali

RAHUL KUMAR Son of Shivji Singh R/V- Raghapur P.S- Jurawanpur Dist-
Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 11.09.2022, in connection with Desari P.S. Case No. 379 of 2022, F.I.R. dated 09.09.2022 registered for the offences punishable under Sections 397 and 307 of the Indian Penal Code.

3. The prosecution case, in brief, is that 5-6 accused persons overtook the Pick-up van and looted the household articles loaded in it and assaulted the informant and his brother-in-law with iron rod.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not



named in the F.I.R. and the name of the petitioner has been falsely implicated on the basis of the previous criminal antecedent of the petitioner and till date no test identification parade was conducted by the prosecution. He further submits that nothing has been recovered from the conscious possession of the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 11.09.2022.

5. Vide order dated 06.07.2023, a report was called for with regard to the stage of the trial. The report of the learned Trial court dated 19.07.2023 reveals that charge has been framed against the petitioner on 12.04.2023 but till date prosecution has not examined any witness as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial court, the trial is not concluded in near future and the petitioner is in custody since 11.09.2022.

7. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries ten more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition the petitioner is on bail in all



the cases.

8. Considering the aforesaid facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Desari P.S. Case No. 379 of 2022, 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 witness, 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 antecedents, 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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