

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6235 of 2023

Arising Out of PS. Case No.-504 Year-2022 Thana- GRIYAK District- Nalanda

RAHUL SINGH S/O RAM PADARATH SINGH Resident of village-
Chhachu Bigha, P.S.- Katri Sarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Sudish Kumar, Advocate Mr. Madhav Rafi, Advocate
For the Opposite Party/s	:	Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-06-2023 Heard Mr. Yogesh Chandra Verma, learned senior counsel for the petitioner assisted by Mr. Madhav Rafi, Advocate and Mr. Vijay Shankar Srivastava, learned counsel appearing on behalf of the informant and Mr. Tarun Prasad Mandal, learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 08.12.2022 in connection with Giriyak (Katri Sarai) P.S. Case No. 504 of 2022, F.I.R. dated 24.09.2022 for the offences punishable under Sections 365, 34 of the Indian Penal Code and later on Sections 419, 420, 467, 468, 471, 120B of the Indian Penal Code.

According to prosecution case, the informant gave statement before Officer-in-charge Katri Sarai police station



alleging therein that my mother aged about 75 years old lived alone in the house. On 23.09.2022 at about 6.30 P.M. some villagers seen that his mother went from Sawari Vehicle of petitioner. In the meantime he got a call from mobile that your mother is going from vehicle. Then he searched his mother but he did not know. Further alleged that the work of grabbing the land is being done by some villagers of Lahrajpur by forming a gang and raised suspicion that someone can get the land registered by alleging my mother and also raised suspicion that co-accused Praveen Kumar and Ranjan Kumar are in the affirm of registry from my mother.

Learned senior counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R. and petitioner is only the driver having Sawari Passenger vehicle and he has no concerned at all with the alleged occurrence. He further submits that in fact the statement of the victim lady was recorded under Section 164 of Cr.P.C., paragraph no.15 and 22 of the case diary she has not stated anything about the petitioner and she stated that the petitioner



has dropped her and fled away. He further submits that the Registrar of the registry has filed a case bearing Bihar P.S. Case No. 778 of 2022 against the co-accused namely, Santosh Yadav and others and petitioner has not made accused in that case. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 08.12.2022.

The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that it appears from the F.I.R. itself that the petitioner has play a vital role in the present occurrence.

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 learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Giriyak (Katri Sarai) P.S. Case No. 504 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 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)

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