

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6864 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- SARE District- Nalanda

RAHUL KUMAR Son of Shailendra Prasad Permanent resident of Village -
Oiyaw, P.S. Ashathama, District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Sare PS case no. 129 of 2021 instituted for the offences punishable under Sections 467, 468, 471, 420, 406, 120B/34 of the Indian Penal Code.

The informant who is A.S.I. of Sare PS is stated to have been on patrolling duty and when he reached at Benar turning on 16.10.2021 at about 6.30 pm, he received information that one person was coming from Barbigha on a motorcycle and was carrying illicit articles. It is further alleged that the informant along with police force had then started checking vehicles at the Benar turning and subsequently, a motorcycle coming from Barbigha side was apprehended,



whereupon the petitioner was caught by the police and on search, 19 ATM cards of different banks, cash amount of Rs. 48,000/-, a mobile phone and a motorcycle was recovered from his possession.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 17.10.2021. It is further submitted that no allegation has been levelled *qua* the petitioner herein regarding him having cheated any person and a general and omnibus allegation has been levelled against the petitioner. It is also submitted that the petitioner has already been suitably punished on account of the period of incarceration, already undergone by him.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is having a clean antecedent and is languishing in custody since about 13 months, I deem it fit and appropriate to enlarge the petitioner on



bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Nalanda at Biharsharif in connection with Sare PS case no. 129 of 2021.

(Mohit Kumar Shah, J)

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