

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17977 of 2023

Arising Out of PS. Case No.-7 Year-2020 Thana- SHERGHATI District- Gaya

RAKESH KUMAR @ RAKESH KUMAR VERMA @ RAKESH MAHTO
S/o Late Jagdeo Mahto R/o Village- Afzalpur Nawada, P.S.- Sherghati, Distt-
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 17-08-2023 Heard the parties.

The petitioner is an accused in connection with Sherghati P.S. Case No. 07 of 2020 registered for the offences under section 392 of the Indian Penal Code lodged on 07.01.2020 by the informant, Mukesh Kumar.

As per the prosecution story, the informant was returning after collection with Rs. 86,300/- in a bag which was snatched on the point of pistol by the accused persons which followed the FIR.

Subsequently, during the investigation, one Golu Kumar was arrested and on his confession, the name of the petitioner came.

It is the case of the petitioner that no T.I. Parade has



been done despite he being in custody since 22.09.2022 (as stated in paragraph 12 of the bail application). Further, submission is that Golu Kumar on whose confession, the name of the petitioner came up has since been released on bail by a co-ordinate bench in Cr. Misc. No. 33765 of 2020.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the aforesaid facts as also that he is in custody since 22.09.2022 and one of the similar placed co-accused has since been released on bail, as stated above, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned A.C.J.M. Ist, Sherghati, Gaya in connection with Sherghati P.S. Case No. 07 of 2020, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of trial to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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