

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10931 of 2023

Arising Out of PS. Case No.-292 Year-2022 Thana- SARAI RANJAN District- Samastipur

RAHUL KUMAR Son of Shatrughan Das Resident of Mohalla - Chandchaur
Ram Nagar, P.S.- Ujiyarpur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
01.11.2022 in connection with Sarairanjan P.S. Case No. 292 of
2022, F.I.R. dated 17.10.2022 for the offences punishable under
Section 392 of the Indian Penal Code.

According to prosecution case, as per F.I.R. the
informant stating therein that when he was returning from saw
mill after completing the day's work along with his co-worker
then three persons on a motorcycle stopped the informant and
snatched the mobile of the co-passenger and also took the
informant's motorcycle at gun point.

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 namely, Sonu Kumar and the self confessional statement of the petitioner. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and except the aforesaid 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, Sams Tabrej @ Arman has been granted bail by learned court below itself. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 01.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries five criminal antecedents 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 learned A.C.J.M.-III, Samastipur in connection with Sarairanjan P.S. Case No.



292 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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