

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15121 of 2023

Arising Out of PS. Case No.-235 Year-2022 Thana- HARNAUT District- Nalanda

Rahul Kumar S/O Late Laxman Singh Resident of Village- Khajpura, P.S.-
Hawai, Adda, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Harnaut P.S. Case No. 235 of 2022 registered
on 09.05.2022 for the alleged offences under Section 392 of the
Indian Penal Code.

04. As per prosecution case, two miscreants looted the
car of the informant which was being driven by his driver. The
miscreants also took away the mobile phone of the driver and
Rs. 2,000/- from him. Name of petitioner transpired during
investigation as one of the accused persons.

05. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner was named in this case on the basis of his confessional statement made before the police in another case bearing Khushrupur P.S. Case No. 177 of 2022. The co-accused Deepak Kumar also recorded his confessional statement in Khushrupur P.S. Case No. 177 of 2022 and named this petitioner for his involvement in the present case, but till date no TIP has been subjected for identification of the petitioner. No looted article has been recovered either from the petitioner or from his house. The petitioner is in custody since 09.11.2022 and charge-sheet has been submitted.

06. Learned APP for the State opposes the prayer for bail submitting that the petitioner is having criminal history and three cases are registered against him.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Nalanda, Bihar Sharif in connection with Harnaut P.S. Case No. 235 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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