

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18158 of 2023

Arising Out of PS. Case No.-379 Year-2019 Thana- VAISHALI District- Vaishali

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Rahul Kumar @ Chetan @ Rahul Son Of Ram Karan Sah Resident Of
Village- Tarson, Ps- Kurhani, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

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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.

2. In the present case, the petitioner seeks bail in connection with Vaishali P.S. Case No. 379 of 2019 registered on 17.10.2019 for the alleged offences under Sections 395 and 397 of the Indian Penal Code.

3. As per prosecution case, six miscreants entered into the office of the informant, a non banking financial company, and at gunpoint took away Rs. 4,93,259/- apart from some documents of the bank and a mobile phone. During investigation, the name of the petitioner surfaced as one of the accused persons.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case. No offence under Section 395 and 397 of the IPC is made out against the petitioner. The name of the petitioner surfaced in this case during investigation on the basis of confessional statement of co-accused Md. Osama who has been granted bail by a Coordinate Bench of this Court vide order dated 28.08.2022 passed in Cr. Misc. No. 1415 of 2022. Nothing incriminating has been recovered from the person or possession of this petitioner and this petitioner has not been put to any Test Identification Parade. The petitioner is in custody since 29.11.2022 and charge-sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that petitioner is having criminal antecedent of four such cases of serious nature.

6. 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 this petitioner who was not put to any Test Identification Parade and further considering his period of custody and the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Vaishali at



Hajipur/court concerned in connection with Vaishali P.S. Case
No. 379 of 2019, 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 on 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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