

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21358 of 2023

Arising Out of PS. Case No.-102 Year-2019 Thana- MAHUA District- Vaishali

Randhir Kumar Son Of Radhe Singh Resident Of Village- Prabodhi, Ps-Sarai, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned A.P.P
for the State.

2. The petitioner seeks bail in connection with Mahua P.S.
Case No. 102 of 2019 dated 21.02.2019 registered for the
offence punishable under Sections 395 and 412 of the Indian
Penal Code.

3. The prosecution case, in short, is that some unknown
persons on the point of revolver locked the informant and his
son inside the house and looted the cash of Rs. 7 lacs and
jewellery, mobile set, bank passbooks, check books, medical
certificate etc.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. The petitioner has been named in the F.I.R. only on the
basis of confessional statement of co-accused, namely, Moti
Kumar and has been made accused in this case. He further



submits that nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that the looted articles were seized from co-accused, namely, Dharmendra Kumar @ Bhola who has been granted bail by a co-ordinate Bench of this Court *vide* Criminal Miscellaneous No. 35372 of 2019. He further submits that similarly situated, co-accused, namely, Ashif Raja has been granted bail *vide* Criminal Miscellaneous No. 70195 of 2021, Mukul Rai has been granted bail *vide* Criminal Miscellaneous No. 61851 of 2019, Joyti Kumar Rai has been granted bail *vide* Criminal Miscellaneous No. 63919 of 2019 and Pankaj Kumar has been granted bail *vide* Criminal Miscellaneous No. 49098 of 2019 by different co-ordinate Benches of this Court. Lastly, it has been submitted that the petitioner is in custody since 27.05.2022 and, having 12 criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Hajipur in connection with P.S. Case No. 102 of 2019, 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

prabhat/-

U		T	
---	--	---	--

