

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22277 of 2022

Arising Out of PS. Case No.-200 Year-2020 Thana- JANDAHA District- Vaishali

RAHUL KUMAR S/o Ram Pravesh Patel R/o village- Chainpur Baghel, P.S.-
Desari (Sahdei O.P.), Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar, Adv. Mr. Rajeev Ranjan No.II, Adv. Smt. Anjana Gupta, Adv. Smt. Priyanka Kumari, Adv.
For the Opposite Party/s :		Mr. Atul Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Jandaha
P.S. Case No. 200 of 2020 registered for the offences punishable
under Section 392 of the Indian Penal Code.

As per prosecution case, informant alongwith his
staff were going to Andhra Bhar Chowk and in the meanwhile four
miscreants on two motorcycles snatched Rs. 3,18,557/- in cash and
other articles of the informant at the point of pistol and fled away
from the place of occurrence.

The learned counsel for the petitioner submits that



the petitioner is remanded in this case on 06.02.2021 and since then he is in custody. Petitioner bears criminal antecedent of four cases. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits petitioner is not named in FIR. The name of the petitioner has been transpired in this case upon self confessional statement as well as confessional statement of other co-accused recorded in Desari (Sahdei O.P.) P.S. Case No. 383 of 2020. Except the confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with alleged occurrence. Petitioner is quite innocent and has falsely been implicated in the present case. No T.I.P. has been conducted uptill now. Learned counsel further submits that co-accused Nitesh Kumar has already been granted bail by co-ordinate bench of this Court vide Cr. Misc. No. 38236 of 2021 and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted by co-ordinate bench of this Court, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the



material available on record, petitioner above named shall be released on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Vaishali, Hajipur in connection with Jandaha P.S. Case No. 200 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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