

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 22445 of 2023

Arising Out of PS. Case No.-122 Year-2021 Thana- BARBIGHA District- Sheikhpura

RAKESH KUMAR Son of Nageshwar Yadav Resident of Village-
Khidarchak, Police Station-Bhagan Bigha, District-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Bipin Kumar, Advocate

For the Opposite Party/s : Mr Umanath Mishra, APP

CORAM: HONOURABLE MR JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 **22-05-2023** Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner has preferred this application for grant of regular bail in connection with Barbigha Police Station (for brevity, **PS**) Case No 122 of 2021 dated 27.04.2021 initially registered for the offence punishable under Sections 395 of Indian Penal Code (for brevity, **IPC**) and later on added with Section 412 of IPC.

As per prosecution case, 7 to 8 miscreants entered the



house of the informant, looted his ornaments, mobile phones, television and other valuable articles after tying legs and hands of the informant and his wife.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He is not named in the First Information Report. The name of the petitioner has sprung up in the confessional statement of co-accused Akhileshwar Kumar Yadav. No incriminating material has been recovered from his possession. The petitioner is accused in nine more criminal cases, as stated in paragraph 3 of the bail petition, in which he is on bail in all the cases. He is in custody in this case since 25.01.2023.

Learned APP has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case, period of custody as well as the nature of allegation against the petitioner, the petitioner above named is directed to be released on bail on his furnishing bonds of Rs 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sheikhpura in Barbigha PS Case No 122 of 2021 dated 27.04.2021, subject to the following conditions:



(1) One of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.

(2) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, his bail is liable to be cancelled.

This application stands allowed.

(Chandra Prakash Singh, J)

M.E.H./-

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