

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23928 of 2023

Arising Out of PS. Case No.-856 Year-2021 Thana- NAGAR District- Vaishali

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Rahul Kumar @ Rahul Kumar Singh Son Of Late Nawal Kishore Singh
Resident Of Village- Balwar Koari , Ps- Hajipur Sadar, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar, Advocate Mr. Rajeev Ranjan No.II, Advocate Ms. Priyanka Kumari, Advocate Mrs. Anjana Gupta, Advocate
For the Opposite Party/s :		Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-05-2023 Heard the parties.

The petitioner is in custody in connection with Hajipur Town P.S. Case No. 856 of 2021 for the offence under Section 395/397 of the I.P.C. lodged on 23.10.2021 by the informant Amrit Kumar.

The prosecution story, in brief, is that on 23.10.2021, the informant was in his jewelry shop alongwith his sales man. Two customers- Abhishek and his mother Shobha Rani were also present in the shop. In the meantime, four persons entered into the shop armed with pistol, wearing mask and they took his staff Dheeraj in their custody on the point of pistol and they started picking up gold, diamond and cash in a plastic bag from



and safe valet Rs.77 lakhs and also snatched Rs.20,000/- from the purse of Shobha Rani. This way the accused looted away 3 kg Gold worth Rs.1 crore 32 lakhs and diamond jewelry worth Rs.40 lakhs and cash of Rs.5 lakhs 20 thousand and fled away from pulsar motorcycle.

Earlier his bail application vide Cr. Misc. No. 23843 of 2022 was rejected on 16.9.2022. Now the present petition has been filed.

Learned counsel for the petitioner submits that although he has remained in custody for more than a year, no T.I.P. parade conducted nor anything recovered from his conscious possession.

A report was called for vide an order dated 12.04.2023 which has since been received. According to which, the file has been received by the concerned Court (learned C.J.M.-XVI, Vaishali at Hajipur) on 27.03.2023 and it has further been reported that cognizance has been taken on 08.04.2022.

Learned APP opposes the prayer for bail stating that he is involved in the dacoity of jewellery shop.

Taking into account the fact that he is in custody since 10.01.2022 (as stated in para 15 of the petition) no T.I.P. made



nor anything recovered from him and further the petitioner is ready to appear on each and every date before the trial court, this court is inclined to grant him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M. Vaishali at Hajipur, in connection with Hajipur Town P.S. Case No. 856 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

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