

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23966 of 2023

Arising Out of PS. Case No.-16 Year-2013 Thana- DARBHANGA SADAR District-
Darbhanga

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ROHIT KUMAR SON OF LATE RAJ KUMAR SAH Resident of muhalla -
Chak Mohamad, Mai Asthan, P.S. - Ahiyapur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate
For the Opposite Party/s : Mr.Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 17-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Darbhanga Sadar P.S. Case No. 16 of 2023 for the offence punishable under Section 394 of the I.P.C. lodged on 8.1.2023 by the informant, Kalicharan.

As per the prosecution story, the accused persons looted a truck after tying hand, mouth and eyes of the driver. Accordingly, the FIR.

Subsequently, during investigation, one Tahir Ali was arrested. He confessed to the guilt and informed that the looted articles/'Pan Masala' was sold to this petitioner for Rs. 11 lakh. Subsequently, his house and godown was raided and the looted articles were recovered followed of his arrest and is in jail since



22.1.2023 (para-9 of the petition).

Learned counsel for the petitioner submits that he did not know that the articles are looted one and bona fide purchased the same, for which he has suffered.

Learned APP opposes the prayer stating that he has criminal antecedent although not of same nature.

Taking into account the aforesaid role in the loot, the petitioner cannot be exonerated but the main allegation is against Tahir Ali who had looted the truck, this Court is inclined to extend him the privilege of bail after framing of the charge.

Let the petitioner be released on bail after framing of the charge on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, in connection with Darbhanga Sadar P.S. Case No. 16 of 2023 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 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 fortnight for next six months 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 be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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