

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27443 of 2023

Arising Out of PS. Case No.-328 Year-2022 Thana- KOTWA District- East Champaran

Rahul Kumar @ Gulshan Kumar S/O Jhabbulal Sahani Resident of Village-
Majuraha, P.S.- Raghunathpur (Turkauliya), District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 07.01.2023 in connection with Kotwa P.S. Case No. 328 of 2022, F.I.R. dated 13.08.2022 for the offences punishable under Section 395 of the Indian Penal Code and Section 27 of the Arms Act but the police have submitted charge sheet under Sections 398 and 412 of the Indian Penal Code and Section 27 of the Arms Act.

4. According to prosecution case, five criminals entered into the centre of the informant and looted Rs.



5,12,000/- and one mobile phone of the nephew of the informant and other items also and fled away making firing.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the self confessional statement of the petitioner and confessional statement of the other co-accused person. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from the other co-accused person. He further submits that except the confessional statement of the petitioner, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 07.01.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of



the bail petition that the petitioner is on bail in the said case.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Kotwa P.S. Case No. 328 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

Vanisha/-

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

