

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33765 of 2023

Arising Out of PS. Case No.-639 Year-2022 Thana- WAJIRGANJ District- Gaya

RAKESH KUMAR @ ROCKY Son of Late Megh Nath Paswan Resident of
Village - Tekuna, P.S. - Bodh Gaya, Distt. - Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel appearing on behalf of the
parties.

The petitioner seeks bail in connection with Wazirganj
P.S. Case No. 639 of 2022 registered for the offence under
Sections 395 and 397 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 29.11.2022.

The allegation against the petitioner is to commit
dacoity and while committing so taken away Scorpio vehicle,
which was in possession of informant and was initially hired for
a trip for Rajgir, Dist.-Biharsharif.

Learned counsel appearing on behalf of the petitioner
submitted that name of the petitioner surfaced in present case,
during course of investigation, on the basis of confessional



statement of co-accused, namely, Ritik Paswan. It is submitted that admittedly, the vehicle in issue was hired by accused persons including this petitioner and as some altercation took place regarding dispute arises out of fare differences, the present false implication was raised. It is submitted that though TIP was conducted but as identification of this petitioner was revealed through CCTV footage, same cannot be said conducted, in accordance with law. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as vehicle in issue, which is the subject of dacoity was *prima facie* appearing taken on hire by petitioner along with other co-accused persons coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 29.11.2022, accordingly, above named petitioner, is directed to be released on bail in connection with Wazirganj P.S. Case No. 639 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Gaya/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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