

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34199 of 2023

Arising Out of PS. Case No.-570 Year-2019 Thana- SHERGHATI District- Gaya

RAHUL KUMAR DAS Son of Sahendra Kumar Das Resident of village -
Datmi, P.s. - Huntarganj, Distt. - Chatra (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with Sherghati (Dobhi) P.S. Case No. 570 of 2019 registered for the offences under section 392 of the Indian Penal Code and section 27 of the Arms Act lodged on 02.12.2019 by the informant, Sunil Kumar Singh.

The prosecution case in brief is that the Manager of Petrol Pump used to deposit the sale amount of the pump and on 02/12/2019, he along with Nozzle man was going to deposit Rs.8,10,000/- in the bank on motorcycle. Meanwhile, three unknown miscreants came there and started assaulting them by the 'butt' of the pistol. During course of said assault, bag containing cash teared off and the cash scattered on the road.



The accused persons took away most part of the cash and remaining amount of Rs.60,600/- was subsequently, handed over to the owner of the petrol pump. Accordingly, the FIR.

Learned Counsel for the petitioner submits that due to criminal antecedent against him, he has already suffered and is being remanded in one case or the other and as such, is in jail since 02.02.2021 (as stated in paragraph 11 of the bail application). It is his further submission that despite he being in custody for more than two years, no T.I. Parade has been done.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has dozen criminal cases under his belt.

Taking into account his period of custody as he has remained for more than two years as also the fact that no T.I. Parade has been done, this court is inclined to extend him privilege of bail.

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 the learned A.C.J.M., Sherghati (Gaya) in connection with Sherghati (Dobhi) P.S. Case No. 570 of 2019, 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 month for next one year to mark 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 his 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 the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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