

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36045 of 2023

Arising Out of PS. Case No.-213 Year-2019 Thana- AMAS District- Gaya

RAHUL KUMAR DAS S/O SAHENDRA KUMAR DAS R/O Vilage-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. Sangeeta Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 05.03.2020 in connection with Amas P.S. Case No.213 of 2019, F.I.R. dated 17.11.2019 for the offences punishable under Section 395 of the Indian Penal Code.

3. According to prosecution case, as per F.I.R., some unknown miscreants, including the petitioner, on the point of pistol, snatched Rs.5600/- from the possession of Nozzle man of Raj Fuel Station situated under the Sherghati police station.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired



during investigation on the basis of confessional statement of co-accused namely, Rizu Khan @ Rizwan and except the confessional statement of co-accused Rizu Khan @ Rizwan, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Rizu Khan @ Rizwan has been granted bail by a co-ordinate Bench of this Court vide order dated 09.11.2022 passed in Cr. Misc. No.30057 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 05.03.2020.

5. Vide order dated 27.07.2023 a report was called for with regard to the present stage of trial. Report dated 03.08.2023 of the learned Trial Court reveals that no witnesses have been examined in the present case till date.

6. Learned counsel for the petitioner further submits that in view of the report of the learned trial court that the trial cannot be concluded in near future and the petitioner is in custody since 05.03.2020.

7. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries thirteen criminal



antecedent other than the present one but fairly submits that out of thirteen cases, petitioner in on bail in eight cases.

6. 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 Additional District and Sessions Judge, Sherghati, Gaya in connection with Sessions Trial No.1075 of 2023, arising out of Amas P.S. Case No. 213 of 2019, subject to the following conditions:-

1. 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.

2. 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.

3. 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)

mdrashid/-

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

