

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35152 of 2022

Arising Out of PS. Case No.-98 Year-2021 Thana- KHAIRA District- Saran

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Rahul Kumar @ Rahul Singh Son of Sunil Singh Resident of Village -
Rampur Khoram, P.s.- Marhowrah, Distt.- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-01-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in the virtual court

proceeding.

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.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 414 and 34 of the Indian
Penal Code and Section 25 (1-b) a, 26, 35 of Arms Act.

According to prosecution case, some miscreants had
looted Rs. 1.5 lacs from a scrap businessman and one miscreant
namely, Rishi Kumar (co-accused) was apprehended and the
local police were assaulting him. He disclosed the names of his
associates including the petitioner who fled away with looted
amount of the scrap shop keeper.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case on the basis of the disclosure made by the co-accused person, namely, Rishi Kumar. He further submits that no incriminating articles has been recovered from the possession of the petitioner. He further submits that for the same offense, two FIRs is instituted and the petitioner has been made accused in both the cases. He further submits that except the confessional statement of the co-accused person, namely, Rishi Kumar, no other cogent material has come during investigation against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 11.04.2022.

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.

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 Court below where the case is pending in connection with Khaira



(Nagar O.P.) P.S. Case No. 98 of 2021, 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)

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