

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36669 of 2022

Arising Out of PS. Case No.-632 Year-2021 Thana- SAKRA District- Muzaffarpur

RAHUL KUMAR S/O CHANDRA SHEKHAR PODDAR Resident of
Village Vishunpur Bathna, P.S.- Pusa, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1

For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 18-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sakra
P.S. Case No. 632 of 2021 registered for the offences punishable
under Sections 394, 302/34 of the Indian Penal Code.

As per prosecution case, three miscreants on one
motorcycle armed with weapon arrived at the C.S.C. centre of
informant's son. It is alleged that at gun point informant's son
gave all the money from cash counter to them and when
miscreants left, then informant's son and Arvind Kumar Thakur
caught one of the miscreants who fired upon informant's son as
a result of which he died and Arvind Kumar Thakur sustained



injury and fell down and the miscreants drove away to Samastipur. It is also alleged that one of the miscreants snatched motorcycle at gun point and drove away towards Muzaffarpur.

Learned counsel for the petitioner submits that petitioner is not named in FIR. The name of the present petitioner has been surfaced upon the confessional statement of co-accused Kamlesh Kumar recorded in Sakra P.S. Case No. 634/21 in which the involvement of the petitioner is also disclosed. Except confessional statement of co-accused there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Nothing has been recovered either from possession of the petitioner or from his house. Petitioner is quite innocent and has committed no offence as alleged against him in FIR. No T.I.P. has been conducted uptill now. Learned counsel for the petitioner submitted that the victim Arvind Kumar Thakur who sustained injury while he was trying to catch one of the miscreants, has not stated the name of the present petitioner regarding the involvement of the present petitioner in the said case. It has been submitted that petitioner has been remanded in this case from the Sakara P.S. Case No. 634/21 on 07.03.2022 and since then he is in judicial custody and petitioner bears criminal antecedent of one case. Charge



sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, no incriminating article has been recovered from the possession of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate – 12, Muzafferpur in connection with Sakra P.S. Case No. 632 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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