

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36395 of 2023**

Arising Out of PS. Case No.-359 Year-2022 Thana- MAHUA District- Vaishali

Rakesh Kumar @ Rakesh Kumar Yadav @ Rakesh Kumar Rai Son Of
Nagendra Rai @ Nagendra Ray Resident Of Village- Mangaru Chowk @
Mahua Mukundpur, Ward No. 10, Ps- Mahua, Distt- Vaishali, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 27-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
25.07.2022, in connection with Mahua P.S. Case No. 359 of 2022,
F.I.R. dated 25.05.2022 registered for the offences punishable
under Section 392 of the Indian Penal Code.

The F.I.R. of the occurrence of loot is against
unknown.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the petitioner is not named
in the F.I.R. and the name of the petitioner has been transpired
during investigation on the basis of suspicion and thereafter the
house of the petitioner was raided and one motorcycle and one



mobile have been recovered from the house of the petitioner. He further submits that recovery has been made from the joint house of the property and the petitioner has no concern at all the alleged aforesaid articles and till date no test identification parade was conducted by the prosecution. He further submits that co-accused namely Biru Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 24.02.2023 passed in Cr. Misc. No. 65010 of 2022, another co-accused person namely Abhishek Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 05.05.2023 passed in Cr. Misc. No. 12691 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries seven more cases other than the present one.

Considering the facts and circumstances of the case and the period of custody, 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 Judicial Magistrate 1st Class, Vaishali At Hajipur in connection with Mahua P.S. Case No. 359 of 2022, 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 witness, 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 antecedents, 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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