

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40169 of 2023

Arising Out of PS. Case No.-502 Year-2019 Thana- SHERGHATI District- Gaya

RAHUL KUMAR DAS SON OF SAHENDRA DAS @ SAHENDRA
KUMAR DAS VILLAGE DATMI PS HANTERGANJ DIST CHGATRA
JHARKHAND Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody in connection with Sherghati P.S. Case No. 502 of 2019 for the offence under Sections 392 of the Indian Penal Code lodged on 25.10.2019 by the informant, Upendra Kumar.

The prosecution case, in brief, is that one Upendra Kumar alleged therein that on 25.10.2019, he was working as a collection agent of Bharat Micro Finance and at about 11:15 A.M, when he was returning by his motorcycle, in the way two known persons, who were on a motorcycle on the gun point snatched his bag containing Rs. 95100/- the ATM and other articles and fled away. Accordingly, the F.I.R.

It has been contended by the learned counsel for the petitioner that there is no recovery from his possession although despite his forced confession before the Police. It has been further contended that despite being in custody since 02.02.2021



(as stated in paragraph 4 of the petition), no T.I. Parade has been done nor anything recovered from his possession and he has remained in custody only because he has number of criminal cases under his belt. The last submission is that some of the co-accused persons have been granted bail vide Cr. Misc No. 27255 of 2021 on 23.11.2021 Rizu Khan @ Rizwan Khan Vs. State of Bihar). He is ready to abide by all the terms and conditions, if granted bail.

Learned APP opposes the prayer stating that he has number of cases of same nature under his belt.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also that he has remained in custody since 02.02.2021 and till date and no T.I. parade has been done, this Court is inclined to extend him the privilege of bail with conditions.

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 learned A.C.J.M. Sherghati at Gaya, in connection with Sherghati P.S. Case No. 502 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/her 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 fortnight for one year to mark his 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 the 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 his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Jagdish/Kiran/-

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