

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41618 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- PANDARAK District- Patna

Rakesh Kumar, (M), aged about 28 years, Son Of Vijay Ram, resident of
Village- Tartar, Ward No.2, Barahiya, P.S.- Barahiya, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Pandarak P.S. Case No. 71 of 2023 dated 24.04.2023, instituted for the offences punishable under Sections 380, 411 of the I.P.C.

3. The prosecution case, in short, is that on 24.04.2023 while informant was sleeping, one person silently entered his house to steal a wooden box and in the meantime, he woke up and raised alarm due to which the petitioner was apprehended by people.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. As per the allegation, no theft was committed and only attempt was made to commit theft. The petitioner has been made



accused in this case only on suspicion. It is further submitted that not a single independent witness has come to support the case. It is further submitted that seizure-cum-production list shows that nothing has been recovered from the conscious possession of the petitioner, rather it shows that the seized articles were produced by the informant himself. Lastly, it has been submitted that the petitioner is in custody since 25.04.2023 having four criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Barh (Patna) in connection with Pandarak P.S. Case No. 71 of 2023, subject to the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be canceled by the Court



below.

(ii) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(iii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv) 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.

(Khatim Reza, J)

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