

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40862 of 2022

Arising Out of PS. Case No.-28 Year-2021 Thana- KHODAWANDPUR District- Begusarai

RAMPUKAR @ VIKRAM, Son of Suraj Mahto @ Ghuran, Resident of
village - Khanjhapur, P.S. - Cheria Bariyarpur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hare Krishna Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

2. The petitioner seeks bail in connection with Khodawandpur P.S. Case No. 28 of 2021 registered for the offence punishable under Sections 392, 397 and 411 of the Indian Penal Code.

3. The prosecution case alleges that four unknown criminals have intercepted the informant and looted his motorcycle and Rs.750/- (Seven hundred and fifty rupees).

4. Learned counsel for the petitioner submits that the F.I.R. is against unknown persons. On statement of co-accused Ram Sudhir Kumar in Khodawandpur P.S. Case No. 29 of 2021 regarding theft of motorcycle, the petitioner has been implicated in the case from where he has been remanded in the instant case. Other than statement of co-accused, there is no material to connect the petitioner with the present case. The petitioner's implication has led to no



recovery from the petitioner or at his instance. The petitioner has not been put on identification parade and he is in custody in this case since 01.11.2021. It is further submitted that co-accused Ram Sudhir Kumar, the person in whose confessional statement the petitioner's name has surfaced, has been allowed bail in *Cr. Misc. No. 60279 of 2021*.

5. Learned APP for the State has opposed the prayer for bail. It is submitted that the petitioner has antecedent in Khodawandpur P. S. Case No. 29 of 2021, and Cheriya Bariyarpur P.S. Case No. 194 of 2020 for the alleged offence under Section 392.

6. Considering the rival submissions, period of custody, the fact that investigation is complete and claim based on parity, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

7. Prayer for bail of the petitioner is allowed.

8. 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 Sub Divisional Judicial Magistrate, Manjhaul, Begusarai, in connection with Khodawandpur P.S. Case No. 28 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each



date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

9. This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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