

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40698 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- DESARI District- Vaishali

RAHUL KUMAR @ UJJWAL KUMAR S/o Chandra Bhusan Rai @ Chandra
Bhusan Prasad R/o village- Lakhanpur Tol, P.S.- Deshari, District- Vaisahli

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 15-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Desari P.S. Case No. 30/2022 registered for the offence punishable under Section 395 of the Indian Penal Code.

As per the prosecution, four unknown miscreants have committed dacoity at the house of informant and looted a cash of Rs.1,20,000/-, some ornaments, a T.V., ATM cards and two mobile phones.

The main submissions advanced by the learned



counsel Mr. Ranjit Kumar Thakur for the petitioner are that there is only one criminal antecedent against the petitioner and his name surfaced in the statement of co-accused Rohit Kumar who has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.43262 of 2022 and one co-accused, namely, Nitish Kumar has also been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.29612 of 2022 and from the possession of the petitioner, any part of the looted money or any other incriminating material was not recovered and the petitioner has been languishing in jail since 17.04.2022 and in actual there is some dispute between the family members of the petitioner and family of said co-accused Rohit Kumar, due to which the petitioner has been falsely dragged by the said Rohit Kumar.

Learned APP Mr. Bharat Bhushan appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly the fact that after the petitioner's arrest in the present matter, the police failed to recover any part of the looted money or any other incriminating material from possession of the petitioner as reflects from the order of learned court below as well as the petitioner's custody period, in the opinion of this Court a



lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Desari P.S. Case No. 30/2022.

(Shailendra Singh, J)

Sanjay/-

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