

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44695 of 2023

Arising Out of PS. Case No.-368 Year-2020 Thana- VAISHALI District- Vaishali

Raj Kishore Kumar @ Raja, Son of Late Shivji Mahto, Resident of Village -
Patedha Bujurge, P.S.- Belser O.P.- Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Adv.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-07-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner's counsel seeks permission to make
necessary correction in para 15 of the petition regarding judicial
custody of the petitioner in course of the day.

3. Permission is accorded.

4. Petitioner seeks regular bail in connection with
Vaishali P.S. Case No. 368 of 2020 dated 27.10.2020 registered
for the offence punishable under Section 394 of the Indian Penal
Code.

5. The main submissions advanced by learned
counsel for the petitioner are that the petitioner is completely
innocent and he has been dragged in this case mainly on the
basis of his criminal antecedents and he was not put on *Test*



Identification Parade and there is no injury report of the informant's wife who is stated to be injured and after petitioner's arrest in the present matter no recovery of any looted article was made from his possession and against him the investigation has been completed and his trial has started and two co-accused persons namely Vishwajeet Kumar @ Jugnu Singh and Niwash Kumar @ Niwash Ray carrying similar nature of allegation have been granted bail by a co-ordinate Bench of this Court vide orders passed in Cr. Misc. Nos. 38943/2021 and 59840/2021 and the petitioner has been languishing in jail since 10.03.2021.

6. Learned APP appearing for the State has opposed the bail prayer.

7. Considering the above submissions and mainly the custody period of the petitioner and also the facts that in respect of the involvement of the petitioner in the alleged crime, the prosecution is mainly relying upon the petitioner's criminal background and two co-accused persons carrying similar nature of allegation mentioned-above are on bail and petitioner's trial has started and two prosecution witnesses have been examined as reflects from the order impugned, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged 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 Court concerned in connection
with Vaishali P.S. Case No. 368 of 2020.

(Shailendra Singh, J)

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