

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43625 of 2023

Arising Out of PS. Case No.-876 Year-2022 Thana- SUPAUL District- Supaul

Rahul Kumar Singh S/O Bhushan Singh R/O Village- Mahpura, Ward No. 9,
Ps. Mahishi, Dist. Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patla Kumari, Advocate
For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Supaul P.S.
Case No. 876 of 2022 registered for the offence under Section 392 of
the Indian Penal Code and under Sections.

3. The accused/petitioner is not named in the F.I.R. and is
in custody since 14.10.2022.

4. The allegation against the petitioner is to commit
robbery and while committing so looted motorcycle belongs to
informant and others during the course of occurrence.

5. Learned counsel appearing on behalf of the petitioner
submitted that the name of petitioner surfaced, during the course of
investigation, on the basis of co-accused Golu Kumar, where in
furtherance of no incriminating material appears to be recovered
from his physical possession. It is submitted that a motorcycle, after



one month of the occurrence, alleged to be recovered from the backside of the house of this petitioner, which is an open place and accessible by general public. While concluding the argument, it has been submitted that petitioner found involved in five more criminal cases, where he is on bail and in maximum of the cases, his name appears to be surfaced on the basis of confessional statement of co-accused, as of the present case and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as alleged recovered looted motorcycle appears to be recovered from an open place, not from the physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 14.10.2022, accordingly, above named petitioner is directed to be released on bail in connection with Suapul P.S. Case No. 876 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall



not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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