

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53062 of 2023

Arising Out of PS. Case No.-556 Year-2022 Thana- KANTI District- Muzaffarpur

RAHUL KUMAR Son of Parmod Sah Resident of village - Runnisaidpur
Shiv Nagar, P.S. - Runnisaidpur, Distt. - Sitamarhi Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate

For the Opposite Party/s : Md.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Kanti P.S. Case No. 556 of 2022 for the offence punishable under Sections 392, 395, 412 of the Indian Penal Code lodged on 14.8.2022 by the informant, Hari Om Choudhary.

As per the prosecution story, the informant Hari Om Choudhary lodged a written report addressed to the S.H.O. of Kanti Police station stating therein that on 13.8.2022 his Transport Company prepared a bulthy for carrying 600 bags of rice weighed about 295.95 quintals, worth Rs. 5,56,000/- on a truck bearing registration No. PB03BC-8391 and owner of Truck were Sajid Khan and driver Kamal Singh.

On 14.08.2022 driver called him from Chakiya that



while he was passing through Narsanda Bridge miscreants who came on Bolero abducted him and threw him out near Chaiya and went away with the truck. The driver also informed the trader. Accordingly, the FIR

Learned counsel for the petitioner submits that on the basis of confessional statement of Danish, his name cropped up and subsequently, the police forced which led to his confession as also his custody since 14.9.2022 (para-14 of the petition). Still neither anything has been recovered from his conscious possession nor any TI Parade conducted.

The last submission is that Danish @ Md. Danish has subsequently been granted bail in Cr. Misc. No. 74386 of 2022. He submits that other co-accuseds Manoj Kumar and Ranjeet Kumar have also been granted bail in Cr. Misc. No. 6561 of 2023 and Cr. Misc. No.7406 of 2023 respectively.

Let the same be kept on record.

Learned APP opposes the prayer for bail.

Taking into account the submission put forward by the learned counsel for the petitioner, is in custody since 14.9.2022, no TI Parade conducted and further there is no recovery from his possession, other accused, as stated above, have been granted bail, this Court is inclined to extend him the privilege of



bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate,-1st Class, (West), Muzaffarpur, in connection with Kanti P.S. Case No. 556 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

