

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50892 of 2023

Arising Out of PS. Case No.-564 Year-2022 Thana- KANTI District- Muzaffarpur

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Rahul Kumar Son Of Pramod Sah @ Pramod Sah Resident Of Village-
Runnisaidpur Shiv Nagar, Ps- Runnisaidpur, Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
02.09.2022 in connection with Kanti P.S. Case No. 564 of 2022,
F.I.R. dated 18.08.2022 for the offences punishable under
Section 392 of the Indian Penal Code and later on Sections 395
and 412 of the Indian Penal Code were added.

3. According to prosecution case, 3-4 unknown
miscreants intercepted the informant and on the point of pistol
they snatched the key of informant's van and assaulted the
informant and fled away.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the petitioner is not named



in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused persons as well as self confessional statement of the petitioner. He further submits nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from the other accused persons and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 02.09.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that on the basis of confessional statement of the co-accused person, the van in question was recovered and apart from that the petitioner carries five criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, 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 Judicial Magistrate 1st Class (West) Muzaffarpur in connection with Kanti P.S. Case No. 564 of 2022, subject to the following



conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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