

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53225 of 2023

Arising Out of PS. Case No.-299 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Rahul Kumar, S/O Pramod Sah, R/O Village- Runnisaidpur Shiv Nagar, Ps.
Runnisaidpur, Dist. Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 55171 of 2023

Arising Out of PS. Case No.-299 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Md Irshad @ Amit @ Chhotu, S/O Md Nasir, R/O Village- Mirzapur, Ps.
Kanti, Dist. Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53225 of 2023)

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

For the Opposite Party/s : Ms.Asha Devi, APP

(In CRIMINAL MISCELLANEOUS No. 55171 of 2023)

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

For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-08-2023 Heard the parties.

2. The petitioners are in judicial custody in connection with Motipur P.S. Case No. 299 of 2022 instituted under Section 292 of the Indian Penal Code lodged on 17.08.2022 by the informant, Promod Prasad.

3. As per the prosecution story, the informant alleged



that his pickup van was moving carrying gram, pea and pulse for his shop. When his vehicle reached near Kodar Katta, N.H. 18, unknown miscreants intercepted and looted goods after making the driver unconscious. The driver came at the house of the informant and narrated the story. Thereafter upon search, his vehicle was found but the goods were stolen.

4. The case in Criminal Misc. No. 55171 of 2023, Md. Irshad @ Amit @ Chhhotu is concerned, according to the learned counsel for the petitioner though he has criminal antecedents, he is not named in the FIR. His name has come in the confessional statement of co-accused Rahul, in such similar situate cases, where on the basis of confessional statement of Rahul, other accused persons were apprehended and they have been granted bail in Criminal Misc. No. 33796 of 2023 (Manoj Kumar), Criminal Misc. No. 13110 of 2023 (Md. Ajad) and Criminal Misc. No. 34743 of 2023 (Raushan Kumar) by the coordinate Benches of this Court.

5. Learned APP opposes the prayer for bail stating that he has criminal antecedents.

6. Considering the aforesaid materials on record, the submission of the learned counsel for the petitioner and the similarly situated persons have been granted bail, this Court is



inclined to grant privilege of bail to Md. Irshad @ Amit @ Chhotu (Criminal Misc. No. 55171 of 2023)

7. Let the petitioner Md. Irshad @ Amit @ Chhotu be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Motipur P.S. Case No. 299 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate II, West Muzaffarpur, subject to 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 fortnight for next six months to mark 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 the bail bonds.

8. So far as the petitioner Rahul Kumar in Criminal Misc. No. 53225 of 2023 is concerned, he confessed before the police that he has stolen the goods and sold to one Sanjay Sah. Thereafter, the house of Sanjay Sah was raided and the entire materials were recovered.

9. Considering the aforesaid facts, this Court is not inclined to grant him privilege of bail. Accordingly, his prayer for bail stands rejected.

(Rajiv Roy, J)

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