

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49913 of 2023

Arising Out of PS. Case No.-643 Year-2022 Thana- DHAKA District- East Champaran

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RUPESH KUMAR S/O SATRUDHAN PRASAD @ SATRUGHAN
PRASAD @ SATRUGHAN PRASAD CHAUDHARY R/O VILLAGE-
ISLAMPUR TOLA DHAKA, PS. DHAKA, DIST. EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2023 Heard Mr. Prateek Tandon, learned counsel for the

petitioner and learned APP for the State.

The petitioner is in judicial custody in connection
with Dhaka P.S. Case No. 643 of 2022 registered under Section
392 of the Indian Penal Code lodged on 20.10.2022 by the
informant, Shamim Akhtar.

As per the prosecution story, Rs. Four Lakhs
was/were looted from the shop of the informant, who was sitting
at his Tea and Dry fruits shop. The accused persons thereafter
fled away. This followed the FIR.

It is the case of the petitioner that nothing
incriminating has been recovered from his possession nor he has
been put on T.I. Parade though he is in custody since 27.03.2023



(as stated in paragraph-9 of the petition). It is his further submission that similarly placed co-accused, Chandan Kumar has since been extended the privilege of bail vide order dated 26.04.2023 passed in Cr. Misc. No. 14050 of 2023.

Learned APP for the State opposes the prayer for bail.

Taking into account the aforesaid submissions put forward by the learned counsel for the petitioner, nothing has been recovered nor put on T.I. Parade and similarly placed co-accused has since been extended the privilege of bail, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Dhaka P.S. Case No. 643 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/her *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/her 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 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 his 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.

(Rajiv Roy, J)

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