

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53756 of 2023

Arising Out of PS. Case No.-127 Year-2021 Thana- GWALPARA District- Madhepura

Rahul Kumar @ Rahul Kumar Singh @ Rahul Kumar Yadav Son Of Binod Singh @ Binod Yadav Resident Of Village- Pahadpur,, Ward No 13, Ps - Sour Bazar (Patarghat Op), Distt- Saharsa (As stated in the impugned order as resident of village Param which is error of record).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 28.03.2022, in connection with Gwalpara P.S. Case No. 127 of 2021, F.I.R. dated 13.08.2021 registered for the offences punishable under Section 394 of the Indian Penal Code.

3. The F.I.R. of the occurrence of loot is against unknown.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner was not arrested at the spot and nothing has been recovered from the possession of the petitioner and till date no test identification



was conducted by the prosecution. He further submits that co-accused person namely Babloo Kumar has been granted bail by the learned Court below itself in B.P. No. 657 of 2022. He further submits that the police after investigation submitted chargesheet against the petitioner and thereafter the charge has also been framed against the petitioner and the petitioner is in custody since 28.03.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that out of three cases, in two cases, the petitioner has been granted bail by the learned court below itself.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Udakishunganj, District-Madhepura in connection with Gwalpara P.S. Case No. 127 of 2021, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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