

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55112 of 2023

Arising Out of PS. Case No.-64 Year-2022 Thana- NAGAR District- Vaishali

Rahul Kumar Banjara, aged about 42 years, Male, son of Late Raj Kumar Yadav, resident of Village- Naya Tola, Juravganj, PS- Kodha, Dist- Katihar
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Hajipur (Town) PS Case No.64 of 2022 dated 24.01.2022, instituted for the offence punishable under Sections 392 of the Indian Penal Code.

3. The prosecution case, in short, is that when the informant was returning home from bank after withdrawing money and stopped at Yadav Chowk for buying some medicines, two persons came on a motorcycle and snatched his bag in which cash of rupees two lakh sixty thousand was kept which was withdrawn from the bank.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. Only on the basis of



confessional statement of Manish Kumar, the petitioner has been implicated in this case. Learned counsel further submitted that for the first time the petitioner was arrested in connection with Hajipur (Town) PS Case No.152 of 2022 on 22.02.2022 and thereafter he was implicated in five other cases and prior to that the petitioner had no criminal antecedents. It is further submitted that the petitioner has not been put on test identification parade till date. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel further submits that co-accused, Manish Kumar @ Subdoh, on whose confession petitioner has been remanded in this case, has been granted bail by a co-ordinate Bench of this Court by order dated 21.03.2023 passed in Cr. Misc. No.73752 of 2022. Similarly, co-accused, Raman Prasad Gwala, and Vicky Kumar @ Karan Kumar @ Vikki Yadav have been granted bail by different co-ordinate Benches of this Court vide Cr. Misc. No. 2869 of 2023 and 12274 of 2023 respectively. Lastly, it has been submitted that five criminal cases are pending against the petitioners.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let



the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the CJM, Vaishali at Hajipur, in Hajipur (Town) PS Case No.64 of 2022, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

(Khatim Reza, J)

J. Alam/-

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