

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54982 of 2022

Arising Out of PS. Case No.-111 Year-2021 Thana- SARMERA District- Nalanda

RAKESH KUMAR @ RAKESH PRASAD, S/o Late Nageshwar Prasad, R/O
Village- Khidarchak, P.S.- Rahui (Bhagan Bigha), Distt- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Sarmera P.S.
Case No. 111 of 2021 registered for the offence punishable under
Sections 399 and 402 of the Indian Penal Code and Sections 25(1-
b)a, 26 and 35 of the Arms Act.

The prosecution case alleges that the police party on secret
information regarding assembly of antisocial elements for plotting a
dacoity have arrived at a place where co-accused Manish Kumar,
Akhilesh Kumar, Mukesh Kumar and Ganesh Kumar have been
arrested. Arms and ammunition has been recovered from their
possession. They have named the petitioner as one amongst the other
three who had fled away.

Learned counsel for the petitioner submits that other than
statement of co-accused and antecedents of the petitioner, there is no
cogent material to suggest the petitioner's implication. Merely
because of antecedents, total six in number as per disclosure made in
paragraph 3 of the bail petition, he has been remanded in this case,
while he was in custody in connection with Rahui P.S. Case No. 265



of 2021. There is no recovery from the petitioner to connect him with the alleged occurrence. He is in custody in connection with this case since 20.07.2021.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the nature of petitioner's implication and period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

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 Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Sarmera P. S. Case No. 111 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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