

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48783 of 2022**

Arising Out of PS. Case No.-370 Year-2021 Thana- RAGHOPUR District- Supaul

AMOD KUMAR S/o Ram Chandra Sah Resident of Village- Sujanpur, Ward
No. 02, P.S.- Kisanpur, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 58564 of 2022

Arising Out of PS. Case No.-370 Year-2021 Thana- RAGHOPUR District- Supaul

RAJ KUMAR @ RAJ KUMAR RAJA @ RAJA S/O BIRENDRA YADAV @
VIRENDRA YADAV Resident of Village- Maheshua, Ward No- 12, P.S.-
Tribeniganj, District- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 48783 of 2022)

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Sharda Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 58564 of 2022)

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

7 11-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Rahopur
P.S. Case No. 370 of 2021 registered for the offence under
Sections 392 of the Indian Penal Code.

Three unknown miscreants are alleged to have
assaulted the informant and on the point of gun, snatched Rs.
15,00000/- while he was going to deposit the amount in the
bank.



Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners have not been named in the F.I.R., however, their names transpired in this case during course of investigation on the basis of their confession and confessional statement of the other co-accused persons. He further submits that on the basis of their confession and confessional statement of the co-accused persons, Rs. 3,50,000/- has been recovered from the house of sister of the petitioner, namely, Amod Kumar and Rs. 1,38,000/- is stated to have been recovered from the possession of the petitioner, namely, Raj Kumar @ Raj Kumar Raja @ Raja.

Learned counsel for the petitioner further submits that till date no T.I.P. has been conducted by the prosecution and the similarly situated co-accused, Anirudh Kumar, from whose elder brother's wife house, cash of Rs. 3,50,000/- are said to have been recovered, has already been granted bail by a co-ordinate Bench of this Court vide order dated 01.08.2023 passed in Cr. Misc. No. 46819 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioner namely, Amod Kumar and Raj Kumar @ Raj Kumar Raja @ Raja are rotting in judicial custody since 05.01.2022 and 15.01.2022, respectively.

Learned A.P.P. for the State on the basis of material



available on record and the case diary vehemently opposed the prayer for bail of the petitioners and submits that the looted cash has been recovered from the possession of the petitioners and their family members which established that they have committed loot of the informant. He further submits that the petitioner namely, Amod Kumar, carries one more case other than the present one whereas the petitioner, namely, Raj Kumar Raja @ Raja bears the clean antecedent.

A report with regard to present stage of the trial has been called for by this Court vide order dated 20.04.2023, which has been received and forms part of this application at Flag-X dated 22.06.2023. On perusal thereof, it would reveal that charge has been framed against the petitioners on 21.05.2022 and out of six charge-sheet witnesses, none of the witnesses have been examined as of now.

Learned counsel appearing for the petitioners referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioners languishing in judicial custody for the last one and half years whereas the similarly situated co-accused has already been granted bail.

Considering the facts and circumstances of the case and the period of custody and also the present stage of trial, let the, above named, petitioners be released on bail on furnishing



bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Court where the case is pending in connection with Raghapur P.S. Case No. 370 of 2021 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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