

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1282 of 2023

Arising Out of PS. Case No.-534 Year-2019 Thana- SHASTRINAGAR District- Patna

RAHUL JAIKAR @ RAHUL KUMAR Son of Vinod Kumar @ Binod
Sharma R/v- Sherpur P.S.- Maner District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Usha Kumari Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 11-01-2023 Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of regular bail in a case registered under sections 364A and 120B of the Indian Penal Code.

As per the prosecution case, the accused persons on a motorcycle on the point of pistol stopped the informant, assaulted him and took away Rs.20,000/ in cash besides other articles as mentioned in the F.I.R. Thereafter, it is stated that they deposited a sum of Rs.14,500/ where his wife was admitted, got her discharged and under threat asked the informant to get the jewellery from home. Thereafter, the informant gives the name of seven accused persons including the petitioner herein on the basis of the conversation that the accused were having amongst themselves.



It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 30.3.2022 (Annexure-1) passed in Cr. Misc. no.49909 of 2021 giving liberty to the petitioner to renew his prayer for bail in case there is no progress in the trial in the learned trial court in six months. It is submitted that the petitioner has been falsely implicated in the case. The cause of false implication is some dispute between the informant and one Mukesh Sahay. No material has transpired in course of investigation to connect the petitioner with the alleged crime. In spite of the petitioner having remained in custody since 16.9.2020, the trial is still continuing and there is no chance of the same concluding in the near future. Charge has been framed. The petitioner undertakes to cooperate in the trial. Further, referring to the order dated 21.12.2022 passed in Cr. Misc. no.62210 of 2022, granting bail to co-accused Rajnish Kumar whose bail application was also rejected vide order dated 30.3.2022 (Annexure-1), learned counsel for the petitioner submits that as per the report received recently in the said case, only one witness has been examined on behalf of the prosecution.

Heard learned APP for the State.



Having heard learned counsel for the parties and taking into consideration the liberty granted by the aforesaid order dated 30.3.2022 together with the petitioner having remained in custody for more than 2 year 3 months since 16.9.2020 and charge having been framed in the learned trial court, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 41 of 2021 (arising out of Shastri Nagar P.S. Case no. 534 of 2019) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge XIII, Patna.

(Partha Sarthy, J)

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