

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69634 of 2023

Arising Out of PS. Case No.-75 Year-2021 Thana- PUSA District- Samastipur

RAKESH KUMAR @ SANKAL KUSHWAHA Son of Late Sakal Mahto R/o
vill - Mathurapur, P.S. - Mathurapur (OP), Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aprajita

For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Pusa P.S. Case No. 75 of 2021 registered on 27.07.2021 lodged
under Sections 392 of the I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against three unknown accused persons against who there is
allegation of robbery of Rs. 3 Lakhs.

4. Counsel for the petitioner submits that F.I.R. has
not been lodged against three unknown accused persons.
Counsel submits that the name of the petitioner has been figured
in this case by the virtue of confessional statement of the co-
accused namely Tinku Kumar.



5. Counsel further submits that petitioner is innocent and has committed no offence and nothing incriminating has been recovered from the possession of the petitioner. Moreover, no T.I.P. has been conducted. He further submits that petitioner is in custody since 20.02.2023 having seven criminal case pending against him but regarding antecedents counsel for petitioner made a specific statement in paragraph 7 that the first case which has been lodged against the petitioner is Kalyanpur P.S. Case No. 12 of 2013 and thereafter, in total seven cases has been lodged one by one. Counsel submit further that the petitioner is basically victim of the events.

6. Learned counsel for the State opposes the prayer for bail and submits that it is true that the money has not been recovered from the possession of the petitioner, but looted money has been recovered from the possession of other accused persons. Therefore, his involvement may not be ruled out in the present case.

7. Upon specific query made by the Court that whether the charge is framed or not, counsel submits that he is not aware of this fact

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above



named, be granted bail *after framing of charge* and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Samastipur in connection with Pusa P.S. Case No. 75 of 2021 subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



9. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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