

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65491 of 2022

Arising Out of PS. Case No.-115 Year-2022 Thana- MUSRIGHRARI District- Samastipur

RAHUL KUMAR Son of Ramnaresh Singh R/v- Chakahabib, Gangapur,
P.S.- Musrigharari, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 73173 of 2022

Arising Out of PS. Case No.-115 Year-2022 Thana- MUSRIGHRARI District- Samastipur

RUPESH KUMAR @ RUPESH KUMAR CHAUDHARY S/o Sameer Rajak
@ Sameer Chaudhary @ Samir Chaudhary R/o Village- Fatehpur, P.S.-
Musrigharari, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65491 of 2022)

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 73173 of 2022)

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
30.08.2022 and 28.09.2022 in connection with Mushrigharari
P.S. Case No. 115 of 2022, F.I.R. dated 06.07.2022 for the
offences punishable under Section 392 of the Indian Penal



Code.

According to prosecution case, as per F.I.R. the informant was employee in iron godown and on 05.07.2022 at about 05:30 P.M. four accused persons came in the office of iron godown covering their mouth and putting the informant in fear of pistol the accused persons committed robbery of Rs.53,000/- from the godown, snatched Rs.6400/- and two mobiles from the informant and snatched Rs.7200/- and one mobile phone from Gajendra Prasad who was also an employee in the iron godown and thereafter the accused persons ran away on motorcycle.

Learned counsel for the petitioners submits that petitioner namely, Rahul Kumar has clean antecedent and petitioner namely, Rupesh Kumar @ Rupesh Kumar Chaudhary has carries one criminal antecedent other than the present one. He further submits that petitioners are innocent and they have falsely been implicated in the present case and petitioners are not named in the F.I.R. and the name of these petitioners have been transpired during investigation on the basis of confessional statement of co-accused namely, Sanjay Kumar and Ankit Kumar. He further submits that nothing has been recovered from the conscious possession or the house of these petitioners. He further submits that the police after investigation submitted the



charge sheet against these petitioners and the petitioner namely, Rahul Kumar is in custody since 30.08.2022 and petitioner namely, Rupesh Kumar @ Rupesh Kumar Chaudhary is in judicial custody since 28.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that the petitioners were identified in the CCTV footage which is mentioned in Para-21 of the case diary. He further submits that petitioner namely, Rupesh Kumar @ Rupesh Kumar Chaudhary carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 learned S.D.J.M., Samastipur in connection with Musrigharari P.S. Case No. 115 of 2022, subject to 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 cancelled 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.

3. 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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