

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67826 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- DESARI District- Vaishali

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Raushan Kumar @ Padwa, Son of Satan Baitha Resident of village -
Lakhanpur Tal (Desari), P.S.- Desari, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 27-04-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Desari P.S. Case No. 30 of 2022 dated 18.01.2022 registered for
the offence punishable under Section 395 of the Indian Penal
Code.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner has fair and
clean antecedent and his name surfaced in the statement of co-
accused Rohit Kumar, who has been granted bail by a co-
ordinate bench of this court vide order passed in Cr. Misc. No.
43262 of 2022 and three other co-accused persons namely,
Subham Kumar, Sakindra Kumar and Nitish Kumar have also
been granted bail by different benches of this court vide orders



passed in Cr. Misc. No. 19290 of 2022, Cr. Misc. No. 26800 of 2022 and Cr. Misc. No. 29612 of 2022 respectively and no incriminating article showing petitioner's involvement in the alleged dacoity was recovered either from his possession or from his house and the petitioner has been languishing in jail since 24.01.2022 and petitioner is pattidar (neighbour) of the informant.

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

5. Heard both the sides and perused the FIR and the case diary of this case. In the present matter, several co-accused persons mentioned-above are on bail and petitioner is stated to be co-villager and neighbour of the informant and as per prosecution during investigation one mobile phone is stated to have been recovered from the possession of the petitioner but the said mobile is of different company from the description of the mobile phone given in the FIR and moreover the petitioner has fair and clean antecedent and against him the investigation has been completed and except the recovery of the said mobile phone the prosecution has not pointed out any cogent material to show the petitioner's involvement in the alleged crime, in the opinion of this court, the petitioner deserves to a lenient



approach of this court. Accordingly, let the petitioner be released on bail in connection with Desari P.S. Case No. 30 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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