

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67695 of 2022

Arising Out of PS. Case No.-744 Year-2020 Thana- NAGAR District- Vaishali

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Raushan Kumar S/O Arvind Singh @ Arvind Prasad R/O Village-
Mohabbatpur, P.S- Ganga Bridge, District- Vaishali and at present resident of
Naya Gaon, Sampatchak, Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Section 392 of the Indian Penal Code
and Section 27 of the Arms Act.

According to prosecution case, all the accused persons
including the petitioner took forcibly the key of scooty on the
point of pistol from the informant and took out the bag which
contained cash Rs. 47,900/-, ATM card etc, and fled away. It is
further alleged that they fired from the pistol.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the petitioner is not apprehended at the spot and nothing has been recovered from the possession of the petitioner. He further submits that one motorcycle has been recovered from the house of the petitioner. He further submits that the said motorcycle belongs to the friend of the petitioner, namely, Amarjeet Kumar. He further submits that the no looted articles have been recovered from the possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Md. Azhar who was arrested at the spot was enlarged on bail vide order dated 24.08.2021 and another co-accused, namely, Md. Sikandar was also enlarged on bail vide order dated 08.01.2021 by the learned Court below itself. The petitioner is in custody since 24.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Hajipur



Town P.S. Case No. 744 of 2020, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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