

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72563 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- BARAUNI District- Begusarai

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RUPESH KUMAR @ TITAHU Son of Shankar Mahato R/V- Simaria Ghat
Navki Bind Toli, P.S- Barauni, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
29.01.2022, in connection with Barauni P.S. Case No. 1/2022,
F.I.R. dated 01.01.2022, for the offences punishable under
Sections 394, 397 of the Indian Penal Code and Section 27 of
the Arms Act.

According to prosecution case, three unknown
miscreants snatched the motorcycle of the informant on the
point of pistol.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the petitioner is not named
in the F.I.R. The name of the petitioner has been transpired



during investigation, on the basis of confessional statement of co-accused, namely, Bipin Kumar @ Ghenchha and except the confessional statement of co-accused, no cogent material has come during investigation against the petitioner to connect the involvement of the petitioner in the present occurrence. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no T.I.P has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 29.01.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carried three criminal antecedent other than the present one but fairly submits that out of three cases, the petitioner is on bail in all the three cases.

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 Miss Neha Naiyar, Judicial Magistrate 1st Class, Begusarai, in connection with Barauni P.S. Case No.1/2022, 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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