

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77891 of 2023**

Arising Out of PS. Case No.-104 Year-2023 Thana- KORHA District- Katihar

Rahul Kumar Son Of Dharmanand Mandal R/O Sitalpur, Simaria, P.O.-
Bajjnathpur, P.S.- Korha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Korha
P.S. Case No. 104 of 2023 instituted for the offences under
Sections 399 and 402 of the Indian Penal Code and Section 37
of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that the police, on
receipt of secret information, reached at the place of occurrence
but, on seeing the police party, the people assemble there
started to flee away but, somehow, the police apprehended
some of them and seized a motorcycle, mobile phone and one
sharp cutting weapon from them. Smell of alcohol was coming
out from the mouth of the apprehended persons.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case due to local politics. He further submits that the allegation made against the petitioner is general and omnibus in nature. He further submits that the mobile phone recovered from the possession of the petitioner is not the stolen one and, thus, nothing incriminating has been found from the possession of the petitioner. The petitioner has one criminal antecedent under the Arms Act. Learned counsel for the petitioner submits that the co-accused/Chandrashekhar Kumar has already been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 31.07.2023 passed in Cr. Misc. No. 37542 of 2023.

5. The petitioner is languishing in judicial custody since 24.03.2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case as also taking into account the period of custody as also the nature of offence, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of Court below/concerned Court in connection
with Korha P.S. case No. 104 of 2023.

(Rudra Prakash Mishra, J)

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