

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.498 of 2023

Arising Out of PS. Case No.-82 Year-2022 Thana- KATIHAR MUFFASIL District- Katihar

RAHUL KUMAR MALLIK Son of Baban Kumar Mallik Resident of
Mohalla- Colony No. 2 P.O- Katihar, P.S- Katihar town Dist- Katihar (Bihar)
854105

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rabindra Kumar Choubey with Ms. Minu Kumari and Ms. Samita Pandey, Advocates
For the Opposite Party/s	:	Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case instituted for the offence under Sections 394, 302/34 of the Indian Penal Code and Section 27 of the Arms Act and charge-sheet has been submitted u/s 396, 302/34, 412, 120B of the IPC and Section 27 of the Arms Act.

As per prosecution case, two unknown miscreants came on a motorcycle and murdered Ayesh Motors dealer cashier namely, Rajat Pratik by the accused persons. It is further alleged that they have looted Rs. 6,66,140/-.

It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case. He has committed no offence. Petitioner is not named in the FIR and the same has been lodged against unknown persons. He submitted that during investigation, the petitioner has been implicated in the present case only on the basis of confessional statement of other co-accused, which has no evidentiary value in the eyes of law. He further submitted that there is no consistent evidence and no eye-witness of the occurrence to show that the petitioner has involved in the said crime. Nothing incriminating/looted article has recovered from the conscious possession of the petitioner. He further submitted that the other co-accused has already been granted bail by this Bench vide order dated 28.02.2023 passed in Cr. Misc. No. 64348 of 2022. He is languishing in judicial custody since 23.05.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned



Additional Sessions Judge-II, Katihar in connection with
Katihar (M) P.S. Case No. 82 of 2022.

(Sunil Kumar Panwar, J)

arish/-

U		T	
---	--	---	--

