

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35 of 2023

Arising Out of PS. Case No.-203 Year-2021 Thana- TEGHRHA District- Begusarai

RAHUL KUMAR S/o Shiv Shankar Ray @ Nanhki R/o Village- Shahid Raja
Chawk, P.S.- Vidyapatinagar, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 07.08.2021 in connection with Teghra P.S.Case No.203 of 2021, F.I.R. dated 23.06.2021 registered for the offence punishable under Section 395 of the Indian Penal Code but the police, after investigation, submitted the chargesheet under Sections 395,412,120(B) of IPC.

According to prosecution case, a TATA pick-up van bearing Registration No. BR 21 GA 3369 was taken away by the five unknown miscreants on the gun point and in the said vehicle total 2500 kg. of Mango was kept.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present



case. Further submits that the petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the self-confessional statement of the petitioner. Further submits that nothing has been recovered from conscious possession of the petitioner and till date no TIP has been conducted by the prosecution and the similarly situated co-accused namely, Sany Kumar @ Sunny Kumar @ Chhotu @ Chhotua has been granted bail by a co-ordinate Bench of this Court vide order dated 28.09.2022 passed in Cr. Misc. No. 35382 of 2022 and another co-accused namely, Vinod Kumar @ Vinod Kumar Vinodia has been granted bail by a coordinate Bench of this Court vide order dated 19.09.2022 passed in Cr. Misc. No. 28010 of 2022 and another co-accused namely, Amarnath Mahto has been granted bail a Coordinate Bench of this Court vide order dated 14.07.2022 passed in Cr. Misc. No. 15806 of 2022 and co-accused, namely, Golu Kumar @ Golu Bind has also been granted bail by this Court vide order dated 03.04.2023 passed in Cr. Misc. No. 55831 of 2022 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 07.08.2021.

Learned APP for the State has opposed the prayer for



bail of the petitioner on the ground that the petitioner carries six more cases other than the present one but fairly submits that out of six cases, the petitioner is on bail in four cases, and rest two cases are pending for consideration, as mentioned in para-3 of the bail petition.

Considering the aforesaid facts and period of custody, 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 learned Chief Judicial Magistrate, Begusarai in connection with Teghra P.S.Case No.203 of 2021, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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