

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1046 of 2023

Arising Out of PS. Case No.-459 Year-2021 Thana- PIRO District- Bhojpur

RAHUL KUMAR @ RAHUL YADAV Son of Late Brij Bihari Singh
Resident of Village - Ibrahimpur, P.S.- Piro in the district of Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 19-04-2023 Heard learned counsel for the petitioner and
the learned APP for the State.

2. Petitioner seeks regular bail in connection
with Piro P.S. Case No.459 of 2021 dated 15.12.2021 registered
for the offence punishable under Section 392 of the Indian
Penal Code.

3. The main submissions advanced by learned
counsel for the petitioner are that the FIR was registered against
three unknown persons and during investigation mainly on the
basis of accused persons being standing near a Scorpio vehicle,
were suspected to be involved in the alleged crime and
thereafter co-accused Rahul Yadav @ Rahul Kumar was
arrested and he disclosed the name of this petitioner as well as
other co-accused persons being involved in the alleged crime of



dacoity and the said Rahul Yadav @ Rahul Kumar, who has criminal antecedents of 17 cases, has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.20766 of 2022 and one co-accused namely Pintu @ Kachhe whose name also surfaced in the statement of said Rahul Yadav @ Rahul Kumar has also been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.44417 of 2022 and the case of this petitioner is completely identical to the co-accused Pintu @ Kachhe and the petitioner's case is on better footing from the co-accused Rahul Yadav @ Rahul Kumar in respect of criminal antecedents. Further submissions are that the petitioner has been languishing in jail since 18.12.2021 and after his arrest he was not put on Test Identification Parade and accordingly there is no evidence against him except the confessional statement of said Rahul Yadav @ Rahul Kumar.

4. Learned APP appearing for the State has opposed the bail prayer but fairly accepted that except the statement of co-accused Rahul Yadav @ Rahul Kumar there is no any other material against the petitioner.

5. In view of the facts, as stated above and mainly considering the petitioner's custody period and the privilege of bail having been granted to two co-accused persons



mentioned-above, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner 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 concerned Court in connection with Piro P.S. Case No.459 of 2021.

(Shailendra Singh, J)

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