

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15105 of 2024

Arising Out of PS. Case No.-343 Year-2023 Thana- ATHMALGOLA District- Patna

Rahul Kumar @ Ram Kumar @ Raj Kumar son of Ghanshyam Kumar Singh
@ Pappu Singh Village- Bgarahpur PS- Mokama Athamalgola, Dist- Patna
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagmani Kumar, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

3 10-05-2024 Heard learned counsel for the petitioner and learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Athmalgola P.S. case No. 343 of 2023 instituted for the offences
under Sections 399, 402, 414 of the Indian Penal Code and
Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. Prosecution allegation, in short, is that police, on
the basis of secret information that few miscreants were
planning to commit dacoity, raided the place. Seeing the police
party, accused persons tried to flee away but two of the accused
persons. On search, six live cartridges were recovered from the
left pocket of co-accused, namely, Naveen Singh.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case



merely on the basis of suspicion. Learned counsel pointed out the fact that, on the date of occurrence, i.e. 19.10.2023, the seizure list was prepared at 01.40 AM, whereas the F.I.R. was lodged after 02.30 AM. Learned counsel further submitted that there is no compliance of Section 100 of the Cr.P.C. It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.10.2023 and has no criminal antecedents. Other co-accused has been granted bail by this Court *vide* order dated 20-02-2024, passed in Cr. Misc. No. 2119 of 2024.

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

6. Considering the aforesaid facts and circumstances of the case, clean antecedent of the petitioner, claim based on parity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Athmalgola P.S. case No. 343 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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

