

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14639 of 2024

Arising Out of PS. Case No.-68 Year-2022 Thana- GHANSHYAMPUR District- Darbhanga

Rakesh Kumar Yadav @ Rakesh Kumar S/O Hakim Yadav R/O Village-
Tengrahi, P.S- Bahera, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Verma, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-07-2024 The present petition is by way of second attempt, at the behest of the petitioner for grant of regular bail, in connection with Ghanshyampur P.S. Case No.68 of 2022, registered for the offence punishable under Section 395 of the Indian Penal Code, inasmuch as the earlier prayer of the petitioner for grant of bail was rejected by this Court, by an order dated 01.02.2023, passed in Cr. Misc. No.38466 of 2022.

2. The allegation is regarding six unknown miscreants having committed loot in the shop of the petitioner, whereupon they had decamped with a sum of Rs.13 lakh.



3. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, inasmuch as after he was arrested in one another case, he has been remanded in the present case on 28.04.2022. It is further submitted that this Court, by an earlier order dated 01.02.2023 had granted liberty to the petitioner to renew his prayer for bail after lapse of one year and now it has been more than two years since the petitioner is languishing in custody. It is next contended that the police has already filed the charge-sheet in the present case and the investigation is complete, hence no prejudice would be caused to the prosecution in case the petitioner is granted the privilege of regular bail. Lastly, it is submitted that no recovery of the looted article/cash amount has been made from the petitioner.

4. Per contra, the learned Additional Public Prosecutor for the State has opposed the prayer for grant of bail to the petitioner.

5. Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials on record as also considering the fact that no recovery of looted articles/cash amount has been made from the petitioner, apart from the fact that the petitioner is languishing in custody since more than two years, I deem it fit and proper to admit the petitioner to the privilege of bail.

6. Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Biraul, Darbhanga in connection with Ghanshyampur P.S. Case No.68 of 2022.

(Mohit Kumar Shah, J)

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