

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27974 of 2024

Arising Out of PS. Case No.-299 Year-2022 Thana- MOTIPUR District- Muzaffarpur

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RAHUL KUMAR S/O PRAMOD SAH R/O VILLAGE- SHIVNAGAR, P.S-
RUNNI SAIDPUR, DISTT.- SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 04-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Motipur P.S. Case No. 299 of 2022 instituted under section 292 of the Indian Penal Code lodged on 17.08.2022 by the informant, Pramod Prasad.

3. As per the prosecution story, the informant alleged that his pickup van was moving carrying gram, pea and pulse for his shop. When his vehicle reached near Kodar Katta, N.H.18, unknown miscreants intercepted and looted goods after making the driver unconscious. The driver came at the house of the informant and narrated the story. Thereafter upon search, his vehicle was found but the goods were stolen.

4. Learned counsel for the petitioner submits that for the said alleged act, he has already remained in custody since



19.08.2022 (para-1 of the petition) though he concedes that the petitioner has criminal antecedent.

5. In this case, a report was called for on the stage of the trial and as per letter no. 171 dated 12.09.2024 sent by learned A.C.J.M. 2nd, Muzaffarpur (West), the charges have been framed against the accused persons and summon issued but no prosecution witness has been examined so far.

6. It is unfortunate that in a case where charges were framed on 28.07.2023, it took one year later to issue the summon to the prosecution witnesses.

7. Learned APP though opposes the prayer for bail submitted that he has criminal antecedent.

8. Considering his period of custody and further trial has still not been initiated, on the undertaking given by the learned counsel for the petitioner that he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-IIInd (West) Muzaffarpur, in connection with Motipur P.S. Case No. 299 of 2022 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so even a single date without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every till conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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