

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25684 of 2024

Arising Out of PS. Case No.-137 Year-2023 Thana- GORAUL District- Vaishali

Rahul Kumar Son of Vijay Ray @ Vikarm Rai Resident of Village- Sadapur
Dasrat Chok, P.S.- Mahua, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-04-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail in connection with Goraul
P.S. Case No.137 of 2023, registered for the offences punishable
under Sections 392 of the Indian Penal Code.

3. The prosecution case as emerging from the FIR is
that on 09.04.2023, at about 12:00 am, when the informant and
his wife were returning from market on motorcycle, and when
they reached near Hakimpur road, three miscreants armed with
pistol stopped them and snatched the informant's mobile on the
point of pistol.

4. Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that similarly situated co-accused has



been enlarged on bail by this court vide order dated 07.07.2023 passed in Cr. Misc. No. 38881 of 2023.

5. He further submits that the petitioner has been languishing in jail since 28.08.2023.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in six other cases.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Chief Judicial Magistrate-I, Vaishali, in connection with Goraul P.S. Case No.137 of 2023, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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