

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32286 of 2024

Arising Out of PS. Case No.-130 Year-2023 Thana- KISHANGANJ District- Kishanganj

Rahul Singh @ Billa @ Rahul S/o Late Rup Lal Singh R/o Dharamganj, P.S. -
Kishanganj, Distt. - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Mannan Khan, Advocate
	:	Mr. Shiva Kumar, Advocate
For the State	:	Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2024 Heard Mr. Abdul Mannan Khan, learned counsel for
the petitioner and Mr. Mritunjay Kumar Nirala, learned A.P.P.
for the State.

2. The petitioner seeks bail in connection with S.T.
No. 304 of 2023 arising out of Kishanganj P.S. Case No. 130 of
2023, FIR dated 28.03.2023 registered for the offence under
Sections 413 and 414 of the Indian Penal Code.

3. On a secret information that many people are
buying and selling stolen goods at Ankit Kumar's house when
police team reached there then 7-8 persons ran away from his
house but one person was present and on asking his name he
told Gopal Rai. During search total 196 good recovered but no
document was produced by him. The police team inquired about



the recovered goods from Gopal Rai, he told his son Ankit and other persons including the petitioner bring stolen goods and distribute in his house.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that on the basis of the disclosure made by the co-accused person, namely, Gopal Rai the petitioner has been made accused in the present case. He further submits that nothing has recovered from the conscious possession of the petitioner rather recovery has been made from the house of the co-accused person, namely, Gopal Rai. He further submits that similarly situated other co-accused persons, namely Kadir Perwez @ Kadir, Gopal Ray, Nehal Kumar Ray @ Nihal Kumar ray and Raj Sharma @ Shiva Sharma @ Pochu Sharma have been granted by this Court vide order dated 14.09.2023, 13.12.2023 and 17.02.2024 passed in Cr. Misc. No. 58617 of 2023, Cr. Misc. No. 80078 of 2023 and Cr. Misc. No. 7588 of 2024 respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.09.2023.

5. Learned A.P.P. for the State opposes the prayer for



bail of the petitioner and submits that the petitioner carries twelve cases other than the present one but fairly submits on the basis of the paragraph-13 of the bail petition that the petitioner is on bail in all the pending matters.

6. Considering the facts and circumstances of the case, let the, above named, 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 learned Additional Sessions Judge, I, Kishanganj in connection with S.T. No. 304 of 2023 arising out of Kishanganj P.S. Case No. 130 of 2023 with the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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