

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36434 of 2024

Arising Out of PS. Case No.-309 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Rahul Singh @ Rahul Rai Son Of Prabhu Singh @ Prabhu Rai Resident Of
Village - Shivrajpur (CHAUPATIYA), Police Station - Tareya Sujan, District -
Kushinagar (U.P.)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the State : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-07-2024 Heard Mr. Lokesh Kumar Singh, learned counsel
for the petitioner and Mr. Uday Pratap Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kuchaikote P.S. Case No. 309 of 2022, F.I.R.
dated 09.07.2022 for the offences punishable under Section 392
of the Indian Penal Code.

3. According to prosecution case, some miscreants on
the point of arms looted the Bolero of the informant.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that petitioner is not named in
the FIR the name of the petitioner has been transpired only on



the basis of the confessional statement of the co-accused person, namely, Jahangir Ansari who was arrested in Kuchaikote P.S. Case No. 340 of 2022 and except the aforesaid no other material has come during the investigation to suggest the involvement of the petitioner in the present occurrence.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of the para-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Additional Chief Judicial Magistrate-1st, Gopalganj in connection with Kuchaikote P.S. Case No. 309 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

iii. 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)

ajay/-

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

