

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43767 of 2024

Arising Out of PS. Case No.-310 Year-2019 Thana- DARIYAPUR District- Saran

RAHUL RAJ SON OF DAROGA RAY RESIDENT OF JAY PRAKASH
NAGAR, OPPOSITE OF MAY FLOWER SCHOOL, P.S. - DIGHA,
DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-08-2024 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

2. The petitioner is apprehending his arrest
in connection with Dariyapur P.S. Case No. 310 of
2019, registered for the offences punishable under
Section 395 of the Indian Penal Code.

3. The allegation is regarding unknown
miscreants having intercepted the informant of this
case and thereafter, they had snatched his bag
containing a sum of Rs. 60,000/- in cash and other
articles as also had taken away the key of the
motorcycle.

4. The learned counsel for the petitioner



has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that two cases have been lodged for one single incident i.e. the one bearing Nayagaon P.S. Case No. 117 of 2019 and the present case i.e. Dariyapur P.S. Case No. 310 of 2019. It is next submitted that the petitioner has already been granted anticipatory bail in the aforesaid Nayagaon P.S. Case No.117 of 2019 and as far as the present case is concerned, he has been made an accused on the basis of confessional statement of one co-accused person, namely, Samit Kumar, who has already been granted the privilege of bail by this Court by an order dated 11.12.2019, passed in Criminal Misc. No. 82192 of 2019. It is also submitted that the petitioner is a young boy studying in St. Xavier's College of Management and Technology, Digha, Patna and is pursuing B.B.A. course. Lastly, it is submitted, by referring to the supplementary affidavit filed in the present case, that till date the petitioner has not been



declared absconder by the learned trial court.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. 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 available on record, this Court finds that the petitioner has already been granted the privilege of anticipatory bail in the connected case i.e. Nayagaon P.S. Case No. 117 of 2019 and as far as the present case is concerned, it is the categorical averment of the learned counsel for the petitioner that no recovery of either the looted cash amount or any other looted articles have been made from the petitioner, apart from the fact that he has been made an accused in the present case only on the basis of the confessional statement of the co-accused person, namely, Samit Kumar, who has already been granted the privilege of bail by this Court, by an order dated 11.12.2019, passed in



Criminal Misc. No. 82192 of 2019, hence I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Saran at Chapra in connection with Dariyapur P.S. Case No. 310 of 2019, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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