

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42506 of 2024

Arising Out of PS. Case No.-325 Year-2021 Thana- CHANDI District- Nalanda

Rahul Kumar S/O Nagmani Yadav @ Nagmani Gop R/O Village- Kachara,
P.S- Wena, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Chandi (Bena) P.S. Case No. 325 of 2021 dated
14-08-2021, instituted for the offence punishable under Sections
356 and 379 of the Indian Penal Code.

3. The prosecution case, in short, is that on
10-08-2021 at about 12 none, while the informant was going
from Mokimpur to Kalyan Bigha SBI Bank on a motorcycle, it
is alleged that three persons riding on a black pulsar motorcycle
came from behind and snatched his mobile and fled away.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is submitted that the F.I.R. has been lodged against three
unknown persons. The petitioner was made accused in the
instant case as the sim issued in the name of the petitioner was



being used in the alleged snatched mobile except this, there is nothing against the petitioner. It is submitted that petitioner's mobile i.e., K-pad set with the alleged sim was lost and the said sim was being used in the alleged theft mobile, and due to lack of knowledge, information regarding missing report of the mobile was not given by the petitioner to the concerned police station. The petitioner has been made accused only on the basis of suspicion in Chandi PS Case No. 324 of 2021 under Section 395 IPC lodged against unknown and he was made accused in the present case only for concluding the investigation of the case. The petitioner is a student and he is preparing for competitive examination at Noorsarai Market. Lastly, it has been submitted that the petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Chandi (Bena) P.S. Case No. 325 of 2021, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with



two sureties of the like amount each to the satisfaction of the learned Court of J.M. 1st Class, Hilsa, Nalanda, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

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