

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45629 of 2024

Arising Out of PS. Case No.-75 Year-2023 Thana- RAHIKA District- Madhubani

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Rahul Kumar @ Rahul Kumar Choudhary @ Switch Off Son of Prem Kumar Choudhary Resident of Vill- Jagatpur, Uttarwari Tola, Ward No.-4, P.S.- Rahika, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-08-2024 Heard Mr. Shailendra Kumar Jha, learned counsel for the petitioner, and Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 15.05.2023 in connection with Rahika P.S. Case No. 75 of 2023, F.I.R. dated 20.04.2023 for the offences punishable under Sections 395 and 397 of the Indian Penal Code.

3. According to prosecution case, it is alleged that the petitioner along with other co-accused persons assaulted the informant and his khalasi and they also looted mobile and cash from the pocket 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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that on the basis of confessional statement of the petitioner, some articles have been recovered but till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Himanshu Paswan has granted bail by this Court vide order dated 17.08.2023 passed in Cr. Misc. No. 51849 of 2023, Rupesh Paswan has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.08.2023 passed in Cr. Misc. No. 54678 of 2023, Manish Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 18.01.2024 passed in Cr. Misc. No. 74453 of 2023 and Dipak Paswan has been granted bail by a Co-ordinate Bench of this Court vide order dated 07.02.2024 passed in Cr. Misc. No. 5244 of 2024. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 15.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation in Paragraph No. 17 of the case dairy that on the basis of confessional statement



of the petitioner some looted articles have been recovered from the possession of the other accused persons and apart from that the petitioner carries four criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the pending matters.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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-IV, Madhubani in connection with Rahika P.S. Case No. 75 of 2023, subject to 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 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)

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