

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46683 of 2024

Arising Out of PS. Case No.-322 Year-2023 Thana- DESARI District- Vaishali

Rahul Kumar @ Rahul Mahto Son of Binod Mahto R/O Vill.- Tarwa
Mangarpul, Ward no. 3, P.S.- Dariyapur, Dist.- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Heard Mr. Ravish Mishra, learned counsel for the
petitioner and Mr. Rabindra Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
30.01.2024, in connection with Desari (Sahdei O.P.) P.S. Case
No. 322 of 2023, FIR dated 23.09.2023 registered for the
offence under Sections 457 and 380 of the Indian Penal Code.

3. As per the prosecution case, when the informant
along with his family members were sleeping at his door at on
23.09.2023 at 5:00 A.M. when he woke up, he saw that the door
of the house was opened and cash of Rs. 1,15,000/- and the
ornaments, which were kept in a box were stolen after breaking
the box, by the unknown persons.

4. Learned counsel appearing for the petitioner
submits that the petitioner is innocent and he has falsely been



implicated in this case. He further submits that initially the petitioner has not been named in the F.I.R. but his name transpired in this case during the investigation on the basis of the confessional statement of the co-accused person, namely, Jyotish Kumar which was recorded in Patori P.S. Case No. 603 of 2023. He further submits that nothing has been recovered from the conscious possession of the petitioner, only Rs. 3300/- was recovered from the possession of the petitioner and the said amount is the own amount of the petitioner. He further submits that till date no TIP has been conducted by the prosecution. 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 30.01.2024.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries nine more cases other than the present one of almost similar nature but fairly submits on the basis of the paragraph no.3 of the bail petition that the petitioner is on bail in all the pending matters.

6. Considering the aforesaid facts, 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Desari (Sahdei O.P.) P.S. Case No. 322 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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