

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48168 of 2024

Arising Out of PS. Case No.-92 Year-2022 Thana- MALSALAMI District- Patna

Rajesh Kumar @ Lallo @ Golden S/o Laxaman Prasad, R/o Village-
Sabarchak Hata, P.S,-Malsalami, Distt-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Malsalami P.S. Case No. 92 of 2022
registered for the offences punishable under Sections 399 and
402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35
of the Arms Act.

3. The police on a tip-off for assemblage of
miscreants, raided the place of occurrence and apprehended two
miscreants. However, noticing the police party, some of the
miscreants succeeded in fleeing away. The apprehended persons
disclosed the name of the petitioner and other two accused
persons, who are said to be their associates.

4. Learned counsel for the petitioner contended that,



in fact, the name of the petitioner has been implicated in this case on account of his past criminal antecedent, inasmuch as the petitioner has been remanded in this case from Jakkanpur P.S. Case no. 727 of 2022. It is further contended that admittedly neither the petitioner was apprehended by the police nor any incriminating material has been recovered from his whereabouts. Moreover, the petitioner has been incarcerated since 11.01.2023 and till date after framing of charge(s), no witness has been examined.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the criminal antecedent of the petitioner speaks loud about his complicity in similar kind of cases.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended nor any incriminating material has been recovered from his whereabouts, coupled with the period of custody and the fact that out of six charge-sheet witnesses, till date none of the witness has been examined and, as such, there is no likelihood of conclusion of the trial in near future, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the



like amount each to the satisfaction of learned Additional Sessions Judge-III, Patna City in connection with Malsalami P.S. Case No. 92 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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