

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53130 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- SHRI NAGAR District- Madhepura

Rahul Kumar S/o Dipo Paswan R/o vill - Israin Kala, ward no.4, P.s. - Kumar
Khand, Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Uday Chand Prasad with Ms. Puuja Prasad and Mr. Manoj Kumar, Advocates
For the Opposite Party/s :		Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Srinagar P.S. Case No. 19 of 2024 registered for the offences punishable under Section 392 of the Indian Penal Code and Section 27 of the Arms Act.

3. While the informant was returning to his home, in the meantime, four unknown miscreants intercepted him and on the point of pistol looted Rs.5000/- On *hulla* being raised by the informant, nearby villagers came whereupon the accused persons succeeded in fleeing away leaving their motorcycles.

4. Learned Advocate for the petitioner contended that



the FIR has been instituted against unknown miscreants. So far the alleged seizure of motorcycle from the place of occurrence is concerned, the petitioner has no concern with it. Only because of the fact that one of the motorcycle belongs to the father-in-law of the petitioner and he disclosed before the police that his son-in-law (the petitioner) also used this motorcycle, his name has been implicated in this case. The petitioner is in custody since 30.03.2024 but till date neither he has been put on Test Identification Parade nor any incriminating material has been recovered from his person or possession. It is next contended that in fact the petitioner has been remanded in this case from Srinagar P.S. Case No. 20 of 2024 registered for the offences under Sections 25(1-B)(a)/26 of the Arms Act. Now the petitioner has been incarcerated since 30.03.2024 and the investigation of the crime is complete and the charge sheet has been submitted.

5. On the other hand, learned APP for the State opposes the bail application and submits that the materials collected during the course of investigation clearly suggest involvement of the petitioner in the present crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged



crime in question is triable by the Magistrate, coupled with the fact that the investigation of the crime is complete and the charge sheet has been submitted; as also the fact that neither the petitioner has been put on Test Identification Parade nor any incriminating material has been recovered from his person or possession, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Madhepura in connection with Srinagar P.S. Case No. 19 of 2024, subject to the condition that one of the bailors shall be the own/close family members 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.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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