

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72850 of 2024

Arising Out of PS. Case No.-509 Year-2023 Thana- JOKIHAT District- Araria

Rahul, Son of Md. Suleman, Resident of Village- Matiyari, Police Station-
Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 29-11-2024 Heard Mr. Kundan Kumar Singh, learned Advocate

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Jokihat P.S. Case No. 509
of 2023 registered for the offence punishable under Sections 392
of the Indian Penal Code.

3. Based upon the *fard beyan* of the informant it is
alleged that while he was going to deposit the collected amount
to the tune of Rs. 76,750/-, in the mean while, two miscreants
riding on a motorcycle came there and dashed the motorcycle,
due to which the informant fell down. It is further alleged that
on the point of knife the miscreants tried to snatch his bag
containing valuables. On protest, one of the miscreants also



assaulted the informant and subsequently, they fled away with the valuables.

4. Learned Advocate appearing on behalf of the petitioner contended that admittedly the FIR has been instituted against unknown miscreants, however, during the course of investigation, one of the villager disclosed the name of the petitioner, whereupon the police apprehended the petitioner. From the possession of the petitioner, a cash amount of Rs. 12,000/- and a mobile phone are said to have been recovered which is not the subject matter of the crime, rather the personal property of the petitioner, is the contention of learned Advocate for the petitioner. It is next contended that surprisingly the suspicion has been raised that the motorcycle which was used in the crime has also been recovered from the possession of the petitioner, but neither the petitioner, nor the motorcycle or the recovered currency note have been placed on test identification parade to verify the genuineness of the allegation. It is lastly contended that in fact, the five criminal antecedent of the petitioner as has been disclosed in paragraph no. 3 of the bail application is the reason for false implication. Moreover, the petitioner has been incarcerated since 06.11.2023, more than a year has lapsed.



5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that apart from recovery of looted amount and the motorcycle which was said to have been used in the crime, the petitioner bears five criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the recovery of the incriminating materials coupled with his identification through the alleged cctv footage and the criminal antecedent, this Court is not acceded to the prayer for bail of the petitioner at present, let the petitioner, named above, be released on bail on or after framing of charge, if not framed till date, on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Araria in connection with Jokihat P.S. Case No. 509 of 2023, 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.

(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.

7. The criminal miscellaneous application stands disposed off.

(Harish Kumar, J)

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