

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76637 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- HATHIDAH District- Patna

Raushan Kumar Son of Late Binod Rai @ Binod Malakar R/o Village-
Nayatola Mirjachowk, Police Station- Mirjachouki, District- Sahebganj
Jharkhand at present Village- Naya Tola Mirjachowk, Police Station-
Saksohra, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Yadav, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-10-2024 Heard Mr.Diwakar Yadav, learned counsel for the

petitioner and Mr.Uma Shankar Prasad Singh, learned A.P.P. for

the State.

2. Petitioner seeks regular bail who is in custody since
07.03.2024, in connection with S.Tr.No.732 of 2024 arising out
of Hathidah P.S. Case No. 27 of 2024, FIR dated 03.03.2024,
registered for the offences punishable under Sections 363 and
365 of the Indian Penal Code subsequently Sections 364 and
396 of the Indian Penal Code was added.

3. According to the prosecution case, the informant,
Swetank Bharti alleged that on 02.03.2024, her driver Bipin
Kumar was going towards Khagaria using Swift white colour
car bearing Registration No. BR-01PP-8776 and he was



carrying his Mobile No. XXXXXX9610. On the way, he was stopped by someone at Mokama Tal Korariya and he was taken somewhere alongwith car after closing his mouth. At that time, she was talking to the driver on phone and thereafter the phone has been switched off. Accordingly, the F.I.R.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Golu Kumar @ Amit Kumar and other co-accused person, namely, Sunil Pandit @ Sunil Kumar, against whom the similar allegation, has been granted bail by this Court vide order dated 21.09.2024 passed in Cr. Misc. No.46866 of 2024. Further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 07.03.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, petitioner has clean antecedent, petitioner is not named in the FIR and the name of the petitioner has been transpired during investigation on the



basis of the confessional statement of co-accused person, namely, Golu Kumar @ Amit Kumar, 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 learned Additional District and Sessions Judge-II, Barh, Patna in connection with S.Tr.No.732 of 2024 arising out of Hathidah P.S. Case No. 27 of 2024, 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 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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