

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78238 of 2024

Arising Out of PS. Case No.-20 Year-2024 Thana- BITHAN District- Samastipur

Raushan Kumar S/o- Vinod Kumar Rai @ Vinod Kumar Yadav Resident of
Village- Kua PS- Bithan, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-11-2024 Heard the parties

2. The petitioner is in judicial custody in connection with Bithan P.S. Case No. 20 of 2024 for the offence punishable under Sections 392/34 of the Indian Penal Code lodged on 23.02.2024 by the informant, Lalan Poddar.

3. As per the prosecution story, the informant alleged that while he was returning on his Scooty having cash and the purchased articles (hairs), the accused intercepted him and on the point of pistol, looted the cash/bag containing the hairs as also the weighing machine. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that though he is in custody since 24.02.2024 (para-4 of the petition), there is no recovery from his possession nor any TIP conducted. He has been implicated only because of his criminal



antecedent, if granted bail, he shall be diligently appearing in trial and desist from getting implicated in such cases, failing which the prosecution shall be free to take steps for cancellation of his bail bond. It is his further submission that similar situation co-accused, Govind Kumar Mukhiya has been granted relief in Cr. Misc. No. 77544 of 2024 vide order dated 11.11.2024.

5. Learned APP opposes the prayer submitting that he has criminal antecedent of the same nature.

6. Though, allegations are there, the fact remains that he is in custody since 24.02.2024 and nothing has been recovered from his conscious possession, as per the statement made, no TIP conducted, the petitioner undertakes to diligently appear in trial and one of the similar placed co-accused has been granted relief, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate (First Class), Rosera, Samastipur or other successor Court in connection with Bithan P.S. Case No. 20 of 2024 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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