

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85006 of 2023

Arising Out of PS. Case No.-210 Year-2023 Thana- KUTUMBA District- Aurangabad

RAHUL KUMAR @ RAHUL KUMAR SINGH SON OF SANTOSH
SINGH RESIDENT OF VILLAGE- JAMUA, PS- KUTUMBA, DIST-
AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramendra Kumar Singh

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kutumba P.S. Case No. 210 of 2023 registered for the offences
punishable under Sections 341, 323, 353, 307, 34 of the Indian
Penal Code.

3. As per prosecution case, on 12.09.2023 special
drive was conducted by the informant and police officials to
apprehend the absconders in liquor case. During the special
drive informant received information that two vehicles carrying
illicit liquor from Jharkhand have proceeded towards Village
Sewa Bigha. On the said information, police reached there and
seeing the police team one red colour vehicle started fleeing.



Police chased the said vehicle but driver of white colour vehicle with intention to cause damage dashed the police vehicle due to which informant and driver sustained injury. It is further alleged that both the vehicles managed to escape.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner is not named in the FIR and his name has been surfaced in this case upon the confessional statement of co-accused Dipak Kumar Singh. Except confessional statement, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is not in any way connected with the alleged occurrence. Petitioner is in custody since 14.09.2023. Petitioner bears criminal antecedent of four cases in which he is on bail. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on



record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Kutumba P.S. Case No. 210 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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