

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86240 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- RUPO District- Nawada

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Tulsi Kumar S/O Krishna Mahto Resident of Vill- Aunta, P.S- Hathidah, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Manglam, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 18-12-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Rupau P.S. Case No. 80 of 2024 instituted for the offences under Sections 310(4)(5) of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, the accusation against the accused persons including the petitioner is of being involved in making preparation for committing *dacoity*.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of suspicion. The petitioner is not named in the F.I.R. and his name has transpired in this case on the basis of



the confessional statement of apprehended person namely Suraj Kumar. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no eye-witness to the alleged occurrence and none of the prosecution witnesses have supported the version of the Informant. During course of investigation, not a single eye-witness has come forward claiming to have seen the petitioner in the alleged occurrence. There is also no direct or indirect evidence against the petitioner which shows the complicity of the petitioner in the alleged occurrence. All the witnesses in this case are interested witnesses. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 17.09.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the



like amount each to the satisfaction of Court below/concerned
Court in connection with Rupau P.S. Case No. 80 of 2024.

(Rudra Prakash Mishra, J)

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