

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12426 of 2025

Arising Out of PS. Case No.-180 Year-2021 Thana- SARAI RANJAN District- Samastipur

Rahul Kumar @ Rahul Mahto S/o Subodh Mahto R/o Village- Bariyanpur
(Banbira), PS- Halai, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy, Advocate

For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-02-2025 Heard Mr.Surya Narayan Roy, learned counsel for
the petitioner and Mr.Amitesh Kumar, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Sarairanjan P.S. Case No. 180 of 2021, F.I.R.
dated 12.11.2021 registered for the offences punishable under
Section 392 of the Indian Penal Code.

3. The F.I.R. of the occurrence of loot is against
unknown.

4. Learned counsel for the petitioner submits that
the petitioner has falsely been implicated in the present case.
The allegation as alleged in the FIR is false and fabricated and
the petitioner has not committed any offence as alleged in the



FIR. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the disclosure made by co-accused person, namely, Rakesh Paswan @ Malinga and it appears that the recovery was made from the house of co-accused person, namely, Rakesh Paswan @ Malinga and co-accused person, namely, Baidya Nath Sahni, his name has also been transpired on the basis of the disclosure made by co-accused person, namely, Rakesh Paswan @ Malinga, has been granted privilege of anticipatory bail by this Court vide order dated 15.02.2025 passed in Cr. Misc. No.5163 of 2022.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case of similar nature other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, petitioner is not named in the FIR, the name of the petitioner has been transpired during investigation on the basis of the disclosure made by co-accused person, namely, Rakesh @ Malinga and similarly situated co-accused person, namely, Baidya Nath



Sahni has been granted privilege of anticipatory bail by this Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial Magistrate-III, Samastipur in connection with Sarairanjan P.S. Case No. 180 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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/her 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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