

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77220 of 2024

Arising Out of PS. Case No.-229 Year-2024 Thana- ATHMALGOLA District- Patna

Rajendra Kumar S/O Manoj Kumar R/O Vill. - Tilokhar, P.S - Lakhisarai,
Dist.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap

For the Opposite Party/s : Mr.Rina Sinha

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 23-01-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Athmalgola P.S. Case No. 229 of 2024 instituted for the
offences under Sections 303(2), 317(2), 61(2) of the B.N.S.

3. As per prosecution case, some unknown miscreants
have stolen Rs. 11,87,800/- by breaking the ATM lock.

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. as the same has been instituted against the unknown.
There is delay of two days in instituting the F.I.R. that too



without there being any plausible explanation for such delay. The name of the petitioner has surfaced in this case on the basis of his own confessional statement recorded before the police which has no evidentiary value in the eye of law. The alleged stolen money amounting Rs. 11,87,800/- has been recovered from the room of Vikash Kumar. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 28.07.2024 without any rhymes or reason. Charge-sheet has been submitted in this case under Sections 303(2), 61(2), 317(2), 3(5) of the B.N.S. .

5. Learned counsel for the petitioner again submits that the co-accused namely Vikash Kumar Singh has been granted bail by this Court vide order dated 17.12.2024 passed in Cr. Misc. No. 73506 of 2024.

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

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be



released on bail, *after framing of charge if not already framed*,
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 Athmalgola P.S.
Case No. 229 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family
members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates
without sufficient reasons, his bail bond shall be liable to be
cancelled by the court below.

(Rudra Prakash Mishra, J)

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