IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53731 of 2026

CNR No. BRHC010762722026

Arising Out of PS. Case No.-198 Year-2017 Thana- DUMRA District- Sitamarhi

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Rakesh Jha Son of Devendra Jha Resident of Village - Kumhara Bishanpur, P.S.- Dumra, District - Sitamarhi.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anuj Kumar Shrivastav, Adv.
For the Opposite Party/s : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

5 19-11-2026 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. The petitioner seeks bail in connection with Dumra P.S. Case No. 198 of 2017 dated 18.06.2017 registered for the offence punishable under Section 392 of the Indian Penal Code.

3. The prosecution case, in short, is that while the informant was returning to his village after closing his grocery shop at Rasalpur from his Hero HF Deluxe motorcycle bearing Registration No. BR-30N-4833, at that time, an auto-rickshaw coming from the opposite direction, occupied by its driver and two other persons, intercepted his motorcycle. It is alleged that one of the accused was armed with a *lathi* and another with an iron rod. After wrongfully restraining the informant by placing

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the auto-rickshaw in front of his motorcycle, the accused persons allegedly snatched away the aforesaid motorcycle, one mobile phone kept in the dickey bearing Mobile No. 7462956182, two mobile phones bearing Mobile Nos. 9572741721 and 7250257938, and cash amounting to Rs.10,000/-. Thereafter, all the accused persons allegedly fled away towards Rasalpur village with the looted articles.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the F.I.R. has been lodged against three unknown accused persons. The petitioner has been made accused only on the basis of confessional statement of co-accused Raushan Kumar. It is further submitted that no T.I.P. has been conducted till date. Nothing incriminating have been recovered from conscious possession of the petitioner. Further, it is submitted that except confessional statement of co-accused, there is no material to connect the petitioner with the alleged crime. Only on the basis of the past criminal antecedents, the bail application of the petitioner has been rejected. The looted mobile phone of the informant was recovered from the possession of Raushan Kumar, who has been granted bail by the Sessions Judge, Sitamarhi in B.P. No. 1405 of 2017 vide order

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dated 02.09.2017. Another co-accused Jitu Kumar has also been granted bail in Criminal Appeal No. 93 of 2017 vide order dated 06.11.2017. The petitioner is in custody since 27.10.2025, having nine criminal cases against him and charge-sheet has been submitted in the case.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 198 of 2017, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of

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similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

5. The petitioner within two weeks of his release from custody shall appear before the S.H.O. of his local area alongwith a copy of this order and shall appear every fortnightly to mark his attendance till conclusion of the trial.

(Khatim Reza, J)

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