

In The Court of Sessions Judge, Araria.

B.P. No. 868 of 2023

Arising out of Jokihat (Mahalgaon) PS Case No. 225 of 2023

Md. Rahul @ Rahul

Petitioner

Vs.

State of Bihar

Opposit party

Appearance :-

For the Petitioner :- Learned Advocate Sri M. Islam

For the Prosecution:- Learned Advocate Sri L.N. Yadav Learned P.P

01.09.2023 This bail petition dated **11.08.2023** filed on behalf of accused petitioner 1. Md. Rahul @ Rahul who is in custody since 15.05.2023 in connection with **Jokihat (Mahalgaon) PS Case No. 225 of 2023** registered **U/S 147, 149, 341, 323, 379, 364, 365, 504, 506 of IPC** is put up for hearing today and copy of this petition has already been served to the Ld P.P.

Heard Ld Counsel for the petitioner accused as well as Ld.P.P. for the state.

Learned counsel appearing for the petitioner accused has submitted that petitioner is innocent, has committed no offence and he has been falsely implicated in this case. No such occurrence as alleged has ever taken place. Petitioner has been made accused on the basis of confessional statement of co-accused Pappu @ Majid and except this there is no direct incriminating material against the petitioner. There is no direct or indirect evidence. Applicant is the man of means and there is no question of absconding and tampering the witness if he released on bail and he is ready to furnish bail bonds according to the order of this Court and if he is enlarged on bail, he will not misuse the privilege of bail. The allegations are general, vague and omnibus. Moreover the petitioner is in custody since 15.5.2023. Thus the Ld. Counsel submitted that considering the fact and circumstances, the prayer for bail petition of the petitioner be allowed.

Ld. P.P. has vehemently opposed the prayer of bail.

Heard the submission of both the sides and perused the record, case diary and material available on the record.

Prosecution case as per the informant namely Ramanand Biswas is that on 11.05.23 they came in the marriage of his nephew Avinesh Kumar Biswas as Barati at village Pechauli in the night at about 2 o'clock. The marriage ceremonies were going on, as per the Hindu rites and rituals. Meanwhile, some children burst firecrackers, due to which there was a situation of quarrel, trouble and tension between the groom's side and bride's side, which they tried a lot to pacify. Deepak Kumar, Pinkesh Kumar, Subodh Biswas, Pappu Alam and 10 to 15 unknown people started to abuse and assault them. They forcibly misappropriated the articles brought for bride and also taken jewellery of gold and silver. They also snatched Rs.50,000 from his pocket. The named accused persons on the point of pistol abducted Avinesh Kumar Biswas, Chaman Lal Biswas, Nilesh Kumar Biswas and Radhanand Biswas on the vehicle of the bridegroom bearing registration number BR 11 BA 0535. On the basis of the written report this instant case was registered.

Perused the record and the case diary and the material available therein.

Perusal of L.C.R. reveals that the police has submitted chargesheet in this case against the petitioner and co-accused Dipak Kumar and Pappu @ Majid. Apparently the name of the petitioner has been disclosed by co-accused Pappu @ Majid in his confessional statement

that he gave the CELERIO Car to petitioner for hiding. From perusal of L.C.R. and case diary it reveals that there is no direct incriminating material against the petitioner either on L.C.R. or in the case diary for committing any overt act. Petitioner has no concern with the alleged offence. So, in the given facts and circumstances and also considering the period of custody of the petitioner in jail since 15.5.2023, I am inclined to enlarge the petitioner on bail. He is directed to be released on bail on furnishing his bail bonds of Rs. 10,000/- with two sureties of like amount each to the satisfaction of the court below subject to the conditions that 1. One of the bailors of the petitioner must be family members or closed relatives. 2. Petitioner shall file an undertaking that he will remain present before the trial court on each and every date till framing of charge and 3. petitioner shall also undertake that he will not be found indulged in similar nature of offence till conclusion of the trial of this case and in default of condition no. (2) and (3) the bail privilege of the petitioner shall stand cancelled automatically.

Sd/-

Harshit Singh

Sessions Judge