

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51002 of 2015

Arising Out of PS.Case No. -4 Year- 2013 Thana -BHAGALPUR GRP CASE District-
BHAGALPUR

=====

Ritesh Kumar Gupta son of Late Jagdish Prasad Gupta, resident of Village-
Dalhatta, P.S. Kotwali, District- Munger (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Chaubey

For the Opposite Party/s : Mr. Amitesh Kumar (App)

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 16-02-2016

In the light of the order dated 15.01.2016 passed by
the Apex Court in Special Leave to Appeal (Crl.) No. 154 of 2016
the instant Criminal Miscellaneous is being heard on priority basis
after recalling the earlier date fixed in the 1st week of April, 2016.

Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in connection with R.P.F.
Post Bhagalpur P.S. Case No. 04 of 2013 registered for the
offence punishable under section 3 (a) of the R.P. (U.P.) Act.

This case relates to the theft of bundles of Sari worth
Rs. 30,00,000/- and in the FIR the petitioner is not named. During
investigation his name came into the light. The recovery is from
the shop which is running in the name of the petitioner.

Submission is of false implication and that the petitioner has been implicated after two years of the occurrence, he is not named in the FIR, nothing has been recovered from his conscious possession, he is the student and the shop is being run by Chandan, the brother of the petitioner, the petitioner is suffering in custody since 23.09.2015, whereas, other co-accused have been allowed bail.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering the allegation and detention of the petitioner at this stage, now he is directed to 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 Railway Judicial Magistrate, Bhagalpur in R.P.F. Post Bhagalpur P.S. Case No. 04 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

Abhay/-

U			
---	--	--	--