

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2043 of 2019

Arising Out of PS. Case No.-162 Year-2018 Thana- RUPASPUR District- Patna

Rajesh Kumar Rishi Dev Ray Resident of Village- Chitrasenpur, P.S.-
Sonepur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Ranjan Kumar, Advocate
For the Opposite Party/s : Mr.Sri Suresh Prasad Singh (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 24-01-2019 Heard learned counsel for petitioner, learned counsel
for the informant and learned counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with

Special Case No. 40 of 2018 arising out of
Rupaspur P.S. Case No. 162 of 2018, registered for the offences
punishable under Sections 395, 392, 412 of the Indian Penal
Code, Section 22 of the N.D.P.S. Act, and Sections 25(1-b)A,
26/35 of the Arms Act.

As per F.I.R. three co-accused persons namely,
Prince Kumar, Inderjeet Singh and Sandeep were caught by the
police at the spot during patrolling duty and from their
possession country made pistol, live cartridges and 30 grms.
smack have been recovered.



It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case on the basis of confessional statement of co-accused namely Golu. Neither the petitioner is named in F.I.R. nor he has been put on T.I.P. Nothing was recovered from the possession of the petitioner. Similarly placed co-accused Golu @ Golu Kumar Singh has been granted bail by co-ordinate bench of this court passed in Cr. Misc. No. 46012 of 2018 vide order dated 16.08.2018.

Learned counsel for the informant vehemently opposes the prayer for bail.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III-cum-Special Judge, C.B.I.-II, Patna, in connection with Special Case No. 40 of 2018, arising out of Rupaspur P.S. Case No. 162 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bonds.

(S. Kumar, J)

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