

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.23233 of 2021**

Arising Out of PS. Case No.-246 Year-2019 Thana- BENIPATTI District- Madhubani

RIT LAL MALLIK, S/O- LATE RAMESHWAR MALLIK, Resident of  
Village- Bhagwanpur, Chauk Shekho Ward No.4, P.S.- Dalsingsarai, District-  
Samstipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Surya Narayan Roy, Adv.

For the Opposite Party/s : Mrs.Renuka Ratnakar, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN  
ORAL ORDER**

3      01-11-2021                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner seeks bail in a case registered for the  
offence punishable under Section 394 of the Indian Penal Code.

Prosecution case, in brief, is that four miscreants  
having barged in the office of Bharat Finance Inclusion Ltd.,  
Benipatti branch on 29.08.2019 while the informant and others  
were working there, where after the said miscreants had pointed  
pistol on the pointed pistol on the staff members and had taken  
away cash amount to the tune of Rs.1,37,274/- as also a mobile  
phone. It is further alleged that the miscreants had also assaulted  
other staff members and had taken a sum of Rs.1,65,598/- from  
them, thereafter, they had fled away.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR. On the basis of confessional statement of co-accused, namely, Anil Paswan, petitioner has been made accused in this case. There is no incriminating articles has been recovered from the conscious possession of the petitioner and there is no T.I. Parade till date. The petitioner is languishing in judicial custody since 24.12.2019. The petitioner has got 08 criminal antecedents which is mentioned in para 3 of the bail petition. Charge sheet has been submitted in this case.

Learned APP for the State vehemently opposed the prayer for bail application.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Benipatti P.S. Case No. 246/2019 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will



also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

**(Anjani Kumar Sharan, J)**

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