

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34383 of 2021**

Arising Out of PS. Case No.-101 Year-2020 Thana- ARIYARI District- Sheikhpura

Rishu Kumar @ Rishav Kumar @ Rishav Raj @ Rishu Son of Manoj Kumar
Resident of Village - Chandpur, P.S. - Warishaliganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate
For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

4 02-12-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Ariyari P.S. Case No. 101 of 2020 instituted for the offences
under Sections 392 and 411 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 13.01.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant alleges that on 02.09.2020 his driver
loaded thirty boxes of fish on his vehicle and proceeded in the
night and when he reached at railway breaker at Sheikhpura, the
vehicle slowed then three persons came and they parked their



motorcycle in front of the vehicle and by putting pistol stopped the vehicle and compelled the driver to drive 7-8 kilometers back and then it is alleged that they took the vehicle leaving the driver behind and the informant got information about the occurrence and thereafter came to know that some accused persons were trying to sell the fish loaded on the vehicle at Pakriwaraman. Accordingly, police was informed and the vehicle was recovered.

The learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. and the alleged consignment of fish was booked by one Ravi Kumar and the petitioner has been identified by the driver as friend of Ravi Kumar based on his facebook profile. Learned counsel further submits that the vehicle was recovered, the fish was also recovered and as such Ravi Kumar might have committed the occurrence along with this petitioner.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that since the driver of the vehicle has identified this petitioner from his facebook profile that in itself demonstrates that the driver must have seen this accused or else he would not have been able to identify from facebook.



Considering the fact that the petitioner is in custody since 13.01.2021, charge-sheet has been submitted in the case the petitioner is a person with clean antecedent and presently the allegations are in realm of allegations, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sheikhpura in connection with Ariyari P.S. Case No. 101 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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