

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37907 of 2021

Arising Out of PS. Case No.-42 Year-2021 Thana- BAJPATTI District- Sitamarhi

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RINKI KUMAR @ RIKKI KUMAR @ RICKY KUMAR S/o Suresh Gosai
R/o Village- Bakhari Gote, P.S.- Bajpatti, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dinesh Jha

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Bajpatti P.S. Case No. 42 of 2021 registered under Sections 399, 402 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of Arms Act.

On secret information regarding assembly of criminal elements for planning a dacoity, police party has reached the place from where it is alleged that petitioner had fled away. Two persons, namely, Sanjay Kumar and Bechan



Kumar have been apprehended and it is a prosecution case that they have stated the name of the five persons who fled away including the petitioner. There is recovery of stolen articles from the apprehended persons also.

Learned counsel for the petitioner submits that the petitioner has no connection with the arrested persons. It is further submitted that apart from statement of co-accused and on his own confessional statement, there is no material basis for the petitioner's implication. There is no recovery of any incriminating articles and he has also been remanded in other case, namely, Nanpur P.S. Case No. 506/2020 after his implication in this case. The petitioner is stated to be in custody since 19.03.2021.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi in Bajpatti P.S. Case No. 42 of 2021, subject



to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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