

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5891 of 2022

Arising Out of PS. Case No.-202 Year-2021 Thana- MALSALAMI District- Patna

RISHU ARYAN @ ROHIT Son of Raju Gope @ Raju Gop Resident of
Village- Simli Nawabganj, P.S.- Malsalami, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 03-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Malsalami P.S. Case No. 202 of 2021 registered for the offences
punishable under Section 392 of the I.P.C.

As per prosecution case, it is submitted that the
informant was going to his house along with cash about
Rs.5,50,000/- kept in a bag hanged on the handle of the scooty,
on the way he was interrupted by three persons riding on two
motorcycles and they snatched the said bag as well as
informant's scooty at gun point and fled away.

Learned counsel for the petitioner submits that



petitioner is in custody since 17.09.2021 and bears criminal antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is neither named in the F.I.R. nor put on test identification parade. The name of the petitioner has been transpired by the confessional statement of the co-accused Amit Kumar. Nothing incriminating has been recovered from the possession of the petitioner.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submitted that from the perusal of the lower court record it transpired that Rs. 20,000 has been recovered from the house of the petitioner i.e. from the pocket of the hanging shirt.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV,



Patna City at Patna in connection with Malsalami P.S. Case No. 202 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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