

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29752 of 2022

Arising Out of PS. Case No.-187 Year-2021 Thana- BIHARIGANJ District- Madhepura

Dhatal Rishideo @ Ganesh Rishideo Son Of Late Girju Rishideo @ Late Sri Garju Rishideo R/O Village- Shyam, Ward No.-11, P.S.- Gwalpara, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-08-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences punishable under Section 392 of the Indian Penal Code.

According to prosecution case, the four accused persons on the point of weapons looted a sum of Rs. 6,09,500/- in cash from the informant and escaped.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been



transpired on the basis of confessional statement of co-accused namely, Ramu @ Ram Ekbal Kumar. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Rahat Miya @ Rahat Hussain has been granted bail by a co-ordinate Bench of this Court vide order dated 06.06.2022 passed in Cr. Misc. No. 71369 of 2021 and another co-accused namely, Mithun Yadav @ Mithilesh Kumar Yadav @ Mithilesh Ku has been granted bail by a co-ordinate Bench of this Court vide order dated 11.07.2022 passed in Cr. Misc. No. 10799 of 2022. The petitioner is in custody since 14.12.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court



below where the case is pending in connection with Bihariganj
P.S. Case No. 187 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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