

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41896 of 2021**

Arising Out of PS. Case No.-175 Year-2020 Thana- PHULWARIA District- Begusarai

RISHAW @ RISHABH RAJ @ RISHABH KUMAR @ CHHOTU S/o
Sikandar Rai Resident of Village - Pasopur, P.S. Bhagwanpur, District -
Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate.

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 03-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Fulwaria P.S. Case No. 175 of 2020 for the offence punishable
under Sections 394, 397 and 120B of the Indian Penal Code.

The prosecution case, in brief, is that three masked
unknown miscreants on the point of fire arm looted cash of Rs.
6,82,968/- from the Small Finance Bank, Barauni Branch and
damaged the CCTV camera.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and he has falsely been implicated in this case. He submits that the F.I.R. is against unknown and name of the petitioner has surfaced on the basis of the information given by one spy. Nothing has been recovered from the house of the petitioner or from conscious possession of the petitioner nor he has been put on T.I. parade till date. Petitioner has been roped in this case because three more cases are pending against the petitioner. Charge sheet has been submitted and the petitioner is in custody since 09.03.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that CCTV footage confirms that three masked persons possessed with fire arm had entered into the Branch and on the point of gun robbed Rs.6,82,968/- from the Small Finance Bank, Barauni Branch and the petitioner has been identified by the spy. Petitioner has got criminal antecedent, as such his complicity in this case cannot be denied.

Considering the aforementioned facts and circumstances of the case, till date no T.I. parade has been done, nothing incriminating has been recovered from the house of the petitioner or from the conscious possession of the petitioner, the petitioner, above named, is directed to be enlarged on bail on



furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Begusarai in connection with Fulwaria P.S. Case No. 175 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(6) The petitioner will make his attendance before



the concerned police station under which his house is located every week at 9 AM on Tuesday till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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