

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33684 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- GARKHA District- Saran

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RITESH RAI Son of Rajeshbar Rai @ Rameshwar Rai Resident of Village -
Meenapur, P.S.- Garkha, Distt.- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ramchandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with
Garkha Police State Case No. 153 of 2022 under Section 395 of
the Indian Penal Code.

As per the FIR, Chandan Kumar, the informant has
alleged that as he was on way his home from Hinduja Leyl and
Finance Limited (where he is posted), his bullet motorcycle
was intercepted by three criminals riding a motorcycle who
relieved him of his bag containing Rs. 2,36,590/- besides his
laptop and other important documents on the point of firearm
and later they fled away towards Garkha.



Learned counsel for the petitioner submits that he has absolutely clean antecedent and his name has come up in the confessional statement of one Ram Babu Rai from whom Rs. 10,000/- was recovered/seized considering it to be the looted amount. He lastly submits that he is in custody since 20.03.2022 (as stated in paragraph-12 of the bail application) but no T.I. Parade has been conducted.

Per contra learned APP for the State submits that the allegation is of looting the huge amount and recovery of Rs. 10,000/- from the co-accused Ram Babu Rai, who in his confessional statement named this petitioner and as such he cannot be exonerated of the allegation.

Considering the fact that the nothing has been recovered from the conscious possession of the petitioner, no T.I Parade has been done despite the fact that he is in custody since 20.03.2022, his name has come up on the confessional statement of co-accused and has no criminal antecedent, this Court is inclined to grant him privilege of bail.

If however, it is found that contrary to the statement made in Paragraph-3 of the bail application, he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Judicial Magistrate 1st Class, Chapra, District Saran in connection with Garkha P.S. Case No. 153 of 2022 subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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