

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38297 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- DUMRAO District- Buxar

Ritesh Kumar Rai Son of Bijendra Rai Resident of village- Barka Diyan P.S.-
Krishnabrahm, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh, Advocate

For the Opposite Party/s : Mr. Rajeev Nayan APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-10-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned Senior counsel for the petitioner and learned APP for the State in virtual court proceeding.

Petitioner seeks bail in a case registered for the offences punishable under Sections 420, 467, 468, 471, 114, 120/34 of the Indian Penal Code and Sections 25(1-b) a, 26, 35 of the Arms Act.

Five country made pistols, 4 Magazines and two licence books have been recovered from the bag of the petitioner.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely



implicated in the present case. He further submits that in fact nothing has been recovered from the conscious possession of the petitioner rather the police has planted the same and shown that recovery has been made from the possession of the petitioner. He further submits that it appears from the F.I.R. that 5 country made pistol, 4 magazine and two licence books is said to be recovered from the bag of the petitioner. He further submits that it appears from the F.I.R. itself that the petitioner's role is of delivery boy only and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 11.03.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Dumraon (Naya Bhojpur O.P.) P.S. Case No. 119 of 2022, with 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 witness, 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 antecedents, 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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