

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45336 of 2022

Arising Out of PS. Case No.-58 Year-2020 Thana- BAUSI District- Araria

JITENDRA RATHORE @ JITEN RATHORE Son of Shivilal Yadav @ Shiv
Lal Rathore R/v- Vinodpur, P.S- Bausi, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh
For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2022 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 Bausi
P.S. Case No. 58 of 2020 registered for the offences punishable
under Sections 399, 400, 402 of the Indian Penal Code read with
Sections 25(a)/(1A)/(1-B)/ab/26(1)(2)/35 of the Arms Act.

As per prosecution case, informant got secret
information that some miscreants were sitting at the house of co-
accused Vijay Rathore and planning for dacoity. Thereafter the
police surrounded and raided the house of Shivilal Rathore where
co-accused Vijay Rathore was apprehended and one pistol and
four live cartridges were recovered from him. It is further alleged



that co-accused Vijay Rathore disclosed the name of the present petitioner and others who fled away from the spot. On search of the house of co-accused Shivilal Rathore two cartridges and one magazine were recovered.

Learned counsel for the petitioner submits that petitioner is in custody since 11.10.2021. Petitioner bears criminal antecedent of four cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. The name of the present petitioner has been disclosed by co-accused Vijay Rathore. Except the confessional statement, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is quite innocent and has committed no offence as alleged in the F.I.R. Co-accused Shivilal Rathore against whom recovery has been made, has already been granted bail vide Cr. Misc. No. 21039 of 2021 by co-ordinate bench of this court and the case of present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

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,



co-accused has already been granted bail by co-ordinate bench of this court, argument advanced on behalf of both sides 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) each with two sureties of the like amount each to the satisfaction of learned CJM, Araria in connection with Bausi P.S. Case No. 58 of 2020, 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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