

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58568 of 2021

Arising Out of PS. Case No.-124 Year-2021 Thana- KURSAILA District- Katihar

RIKASH @ RIKASH KUMAR Son of Pramod Mahaldar Resident of
Village- Majadiya, P.S.- Kursela, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar,Adv

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 26-04-2022 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.

A supplementary affidavit has been filed on behalf of the petitioner, which is kept on record.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 307,393 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution case, in short, is that informant is the driver of Truck No.NL 02G5608 and he parked his truck at NH-31 nearby Kursela, where two miscreants came to him and demanded ransom, on refusal the miscreants fired upon



informant, due to which he sustained bullet injury.

Learned counsel for the petitioner submits that by order dated 24.03.2022, the petitioner was granted provisional bail in the present matter and thereafter he himself surrendered on 30.03.2022.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that the allegation of firing is against co-accused, namely, Chotu Kumar. He further submits that in fact the petitioner was present at the time of occurrence. He further submits that nothing has been recovered from conscious possession of the petitioner and the order-giver of the case namely, Awadhesh Mandal has been granted bail vide order dated 12.04.2022 in Cr. Misc. No.60971 of 2021 and the petitioner is in custody since 12.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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



the case is pending in connection with Kursela P.S. Case No. 124 of 2021, 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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