

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63290 of 2021

Arising Out of PS. Case No.-168 Year-2021 Thana- RIGA District- Sitamarhi

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1. Ram Dev Mahto Son of Late Ramsish Mahto Resident of Village- Kusmari, P.S.- Riga, District- Sitamarhi.
 2. Ram Nath Mahto Son of Late Ramsish Mahto Resident of Village- Kusmari, P.S.- Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-10-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Riga P.S.
Case No. 168 of 2021 registered for the offence under Sections
394, 302 and 34 of the Indian Penal Code and under Section 27
of the Arms Act.

The accused/petitioners are named in the F.I.R. and
are in custody since 27.04.2021.

The allegation against the petitioners is to commit
robbery and while committing so taken away cash of Rs.



1,25,000/- belongs to informant/deceased and also to commit murder of the brother of informant, during the course alleged robbery, by causing fire arm injury.

Learned counsel appearing on behalf of the petitioners submitted that from the bare perusal of F.I.R., the specific allegation of firing is available against co-accused Dilip Kumar, whereas allegation to take away cash of Rs. 1,25,000/- is against co-accused Rajesh Kumar, where allegation against these petitioners is very much general and omnibus. It is further pointed out that similarly situated co-accused person, namely, Rajesh Kumar, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 64872 of 2021 vide order dated 30.08.2022. While concluding the argument, it has been submitted that petitioners are men of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, submitted that both of the petitioners actively participated in alleged occurrence of robbery and murder.

Considering the facts and circumstances as mentioned



above, as specific allegation of murder and robbery is available against co-accused persons, not against both above named petitioners, who are men of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioners, above named, are directed to be released on bail in connection with Riga P.S. Case No. 168 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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