

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64872 of 2021

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

RAJESH KUMAR Son of Ram Nath 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

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-08-2022 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 Riga P.S.
Case No. 168/2021 registered for the offences punishable under
Sections 394, 302/34 of the Indian Penal Code and Section 27 of
the Arms Act.

As per prosecution case, there is accusation against
the petitioner and others to make firing against the informant
and his brother as a result of which informant's brother
sustained injury. Accusation against the petitioner is that he
snatched the bag of money from the informant.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case due to village politics and Panchayat election. Nothing has been recovered from the possession of the petitioner. There is no specific allegation against the petitioner and there is general and omnibus allegation. Learned counsel for the petitioner further submits that as per FIR, there is specific allegation against co-accused, Dilip Kumar who had fired upon the deceased, Ajay Kumar who sustained injury in his chest and fell down and allegation against the present petitioner who had taken away the bag of money. The petitioner is languishing in custody since 27.04.2021 and bears no criminal antecedent. Learned counsel for the petitioner further submits that the during course of investigation allegation of firing against the petitioner cannot be attributed as there is no recovery of firing material from the place of occurrence. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, the argument advanced on behalf of both sides, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution



evidence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Riga P.S. Case No.168/2021, 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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