

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69219 of 2021

Arising Out of PS. Case No.-573 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

Abhishek Kumar @ Ripu @ Ripu Yadav, Son of Kishori Yadav, Resident of
Village - Pandabigha, P.S.- Makhdumpur, Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 26-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office be removed within four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Makhdumpur P.S. Case No. 573 of 2019 registered for the alleged offences under Sections 395/396/397 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, five *dacoits* entered into the house of the informant from terrace and shot at the husband of the informant in his abdomen. Thereafter, the *dacoits* took away golden jewellery, cash, clothes and five mobile phones after taking the informant and her family members hostage. 5-6 *dacoits* were also standing outside the house. The husband of the informant died during his treatment. The name of the petitioner transpired as one



of the accused persons during investigation.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and has been falsely implicated in this case. The name of the petitioner transpired on the basis of confessional statement of co-accused Ravi Kumar, who has named this petitioner due to enmity. Nothing has been recovered from the possession of this petitioner and no Test Identification Parade has been conducted to ascertain the identity of the miscreants. The co-accused Ravi Kumar and Sunil Saw have been granted bail by different Coordinate Benches of this Court vide order dated 03.12.2020 passed in Cr. Misc. No. 24892 of 2020 and order dated 12.11.2020 passed in Cr. Misc. No. 25744 of 2020, respectively. The petitioner is having eight cases pending against him but he is on bail in all these cases. The petitioner is in custody since 10.09.2021 and the charge sheet has been submitted in this case.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a habitual offender and he has got a large number of cases pending against him.

Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner along with absence of substantive material against him on record, the petitioner is directed to be released on bail on furnishing bail bond



of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad, in connection with Makhdumpur P.S. Case No. 573 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

