

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68093 of 2022

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

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SUDHIR KUMAR @ SUDHIR MAHTO Son of Basudeo Mahto R/v-
Kusmari P.S.- Riga District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the State : Mr.Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-12-2022 Heard learned counsel for the petitioner and Mr.
Jitendra Kumar Singh, learned APP who represents the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Riga P.S. Case No. 168 of 2021 for the offences under
Sections 394, 302, 34 of the Indian Penal Code and Section 27
of the Arms Act.

The prosecution story reads as follows :-

The informant along with his brother was going to
make payment to the labourers having Rs.1,25,000/- in their
kitty. Suddenly six named people in three motorcycles
intercepted them and it is alleged that they started firing



indiscriminately. The informant and his brother tried to escape, but one Ajay Kumar shot him from close range as a result whereof he fell down and one co-accused Rajesh Kumar snatched the bag and thereafter they fled away.

The petitioner earlier moved in this Court in Cr. Misc. No. 53510 of 2021 which was heard and rejected on 7.4.2022.

From the prosecution story, it seems that it was Dilip Kumar who had fired causing injury in the chest.

Taking into account the fact that the petitioner is in custody since 27.4.2021 (as stated in para-13 of the bail application) and as per the information given by the learned counsel for the petitioner, the charges have already been framed in the matter, this Court is inclined to grant him privilege of bail with strict conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, District- Sitamarhi in connection with Riga P.S. Case No. 168 of 2021, subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay/-

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