

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27524 of 2023

Arising Out of PS. Case No.-337 Year-2021 Thana- NAUBATPUR District- Patna

1. Rikki Yadav @ Rikki Kr. @ Ritik Kr. @ Ritik Yadav @ Bikki Yadav S/O Ashok Yadav Resident of Village- Chakiya Par, Chak Chichaul, P.S.- Naubatpur, District- Patna.
2. Golu Kumar S/o Late Raj Kumar Yadav Resident of Village- Chakiya Par, Chak Chichaul, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners seek bail, who are in custody since 02.09.2021 in connection with Sessions Trial No. 102 of 2022 arising out of Naubatpur P.S. Case No. 337 of 2021, F.I.R. dated 10.07.2021 for the offences punishable under Section 394 of the Indian Penal Code.

3. According to prosecution case, four miscreants on two motorcycles looted Rs. 2500/- in cash, A.T.M. Card, Driving License, Pan Card, Aadhar Card, Mobile Phone of informant. It is further alleged that they also looted the bag kept with informant's staff in which Laptop and Tablet alongwith



their papers, Rs. 50,000/- in cash, mobile phone and motorcycle and fled away.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that petitioners are not named in the F.I.R. and the name of the petitioners have been transpired during investigation on the basis of confessional statement of the petitioners which was recorded in Naubatpur P.S. Case No.354 of 2021. He further submits that except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioners in the present occurrence. He further submits that nothing has been recovered from the conscious possession or the house of the petitioners and till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Sunny Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 22.12.2022 passed in Cr. Misc. No. 52671 of 2022. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 02.09.2021.

5. The learned Additional Public Prosecutor for the



State has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.1 has carries six cases other than the present and petitioner no.2 has carries nine criminal antecedents other than the present one but fairly submits that petitioner no.1 is on bail in four cases and petitioner no.2 is on bail in five cases.

6. Considering the aforesaid facts and circumstances and period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-Vth, Danapur in connection with Sessions Trial No. 102 of 2022 arising out of Naubatpur P.S. Case No. 337 of 2021, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the



prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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