

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25321 of 2023

Arising Out of PS. Case No.-2 Year-2022 Thana- GOPALPUR District- Patna

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Rishabh Kumar @ Puttus Kumar Son Of Shri Rupesh Kumar R/O Block- C-
Room No.29, New Staff Quarter, P.M.C.H. Patna, P.S.- Pirbahore, District-
Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
20.07.2022 in connection with Gopalpur P.S. Case No. 02 of
2022, F.I.R. dated 03.01.2022 for the offences punishable under
Section 392 of the Indian Penal Code.

According to prosecution case, three miscreants
entered into the shop of the informant and on the point of pistol,
they looted Rs. 7,000/- from the cash counter and fled away.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the F.I.R. has been transpired on the basis of confessional statement of the co-accused, namely, Gautam Kumar and self confessional statement of the petitioner which was recorded in Agamkuan P.S. Case No. 382 of 2022. He further submits that nothing has been recovered from the possession of the petitioner and the petitioner has remanded in all cases which was mentioned in the paragraph 3 of the bail petition. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 14 criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Patna in connection with Gopalpur P.S. Case No. 02 of 2022, subject to the following conditions:-



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

2. 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.

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