

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32239 of 2023

Arising Out of PS. Case No.-622 Year-2022 Thana- SAKRA District- Muzaffarpur

RITIK KUMAR @ RITIK RAI Son of Shri Shubodh Kumar Rai @ Shubodh
Rai Resident of village - Ganipur Bejha, P.S.- Sakra, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar

For the Opposite Party/s : Mr.Bharat Bhushan, App, 156

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with G.R. No. 5034 of 2022, Sakra P.S. Case No. 622 of 2022 registered for the offences punishable under Sections 412, 413, 414, 467, 468, 469 of the Indian Penal Code read with Sections 25(1-B)A, 26 and 35 of the Arms Act.

As per prosecution case, on the basis of secret information, informant and other proceeded towards Palani which is located in premises of Bank of India and found that 5-6 persons were seating there and after seeing the police, they started fleeing away. It is further alleged that five persons were apprehended and one person (petitioner) succeeded in fleeing away from the place of occurrence whose name was disclosed by all apprehended



accused persons. It is further alleged that one country made pistol and one live cartridge were recovered from the possession of the co-accused Manish Kumar. It is further alleged that Honda Shine motorcycle which was parked near the co-accused Chhotu Kumar belonged to him. It is further alleged that co-accused Chhotu Kumar disclosed that Hero HF Deluxe motorcycle which was parked at the place of occurrence belonged to the petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 06.03.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not apprehended on the spot and nothing has been recovered from the possession as well as from the house of the petitioner. Petitioner has no concern with the seized motorcycles in any manner. He has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument



advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., XII, Muzaffarpur (East) in connection with Sakra P.S. Case No. 622 of 2022, 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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