

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.44808 of 2022

Arising Out of PS. Case No.-122 Year-2022 Thana- RIGA District- Sitamarhi

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Rupesh Patel Son of Ram Kishore Patel Resident of Parmanandpur, WArD
No. 15, Police Station- Dumra, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER



4 03-01-2023 Heard Ld. counsel for the petitioner and Ld. APP for the State.

The petitioner seeks bail in connection with Riga P.S. Case No. 122 of 2022, registered for the offences punishable under Sections 25(1-b)A, 26 and 35 of the Arms Act and Sections 399, 402 and 414 of the Indian Penal Code.

As per allegation, the petitioner along with his associated were apprehended from an orchard of Chunchun Sharma and two motorcycles, two live cartridges and some other incriminating articles were also recovered from them.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the present accused petitioner was arrested on account of suspicion that he was going to commit dacoity. He also submits that the investigation in this case is complete and charge-sheet has already been submitted. He further submits that similarly situated co-accused, namely, Awanish Kumar vide order dated 09.11.2022 passed in Cr.Misc No. 53413 of 2022 has



already been enlarged on bail by this Bench.

He further submits that the petitioner has been languishing in jail since 11.04.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has made accused in two more cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional Chief Judicial Magistrate VI, Sitamarhi, in connection with Riga P.S. Case No. 122 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, the Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the Ld. court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.



The Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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