

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61224 of 2023

Arising Out of PS. Case No.-315 Year-2022 Thana- MIRGANJ District- Gopalganj

Rishikesh Kumar S/O Ashok Singh R/O Village- Selar Khurd, Ps. Mirganj,
Dist. Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 03.02.2023 in connection with Mirganj P.S. Case No. 315 of 2022, F.I.R. dated 02.09.2022 for the offences punishable under Section 392 of the Indian Penal Code.

3. According to prosecution case, three miscreants intercepted the informant and looted Rs. 5,800/- from his pocket and other articles including his motorcycle and fled away.

4. Learned counsel for the petitioner submits that petitioner is innocent and he 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 petitioner has been transpired



during investigation on the basis of the confessional statement of the co-accused, namely, Vishal Kumar and thereafter the self confessional statement of the petitioner was recorded and on the basis of the self confessional statement of the petitioner, one motorcycle has been recovered from the house of the co-accused, namely, Prince Rai which is subject matter of the present F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 03.02.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that on the basis of the confessional statement of the petitioner, the motorcycle in question was recovered from the house of the co-accused person and apart from the aforesaid the petitioner carries one criminal antecedent other than the present one.

6. 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 A.C.J.M XV, Gopalganj in connection with Mirganj P.S. Case No. 315 of 2022, subject to the following conditions:-



i. 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.

ii. 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.

iii. 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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