

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74419 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- BARAUNI District- Begusarai

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Ripu Kumar @ Rikku Kumar, S/O Mangal Nishad @ Mahendra Nishad @ Mahindar Nishad, R/O Vill-Malhipur, Bind Toil, Ps-Barauni(Chakia O.P 0, Dist-Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Barauni (Zero Mile) P.S. Case No. 17 of 2023 registered for the alleged offences under Sections 379/34 of the Indian Penal Code.

3. As per prosecution case, three persons were trying to steal the battery of Tower of Vision Private Limited. When the informant raised alarm, all three thieves tried to run away but one of them was apprehended as he slipped and this apprehended co-accused person named this petitioner along with other co-accused persons who were also involved in committing theft of the battery of the tower.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is clear that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. Petitioner has been named in this case merely on suspicion. The name of the petitioner was dragged in this case due to village politics. Petitioner is in custody since 20.08.2023 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that the petitioner was involved in committing the theft of battery of tower.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/ court concerned in connection with



Barauni (Zero Mile) P.S. Case No. 17 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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