

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74055 of 2022

Arising Out of PS. Case No.-194 Year-2022 Thana- ALOULI District- Khagaria

RISHI KUMAR S/o Bijendra Yadav R/v- Pipra, Ward No. 11, P.S.- Salkhua,
District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
24.09.2022 in connection with Alauli P.S. Case No. 194 of 2022,
F.I.R. dated 11.05.2022 for the offences punishable under
Section 392 of the Indian Penal Code.

Allegation against the petitioner is to commit robbery
and while committing so taken away a motorcycle belongs to
informant.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that petitioner is not named in
the F.I.R. and the name of the petitioner has been transpired on
the basis of confessional statement of co-accused namely,
Ravish Kumar @ Frooti. He further submits that nothing has
been recovered from the conscious possession of the petitioner



rather the recovery has been made from the open field and till date no TIP has been conducted by the prosecution. He further submits that except the confessional statement of the co-accused namely Ravish Kumar @ Frooti no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present crime. He further submits that similarly situated, co-accused, namely, Ravish Kumar @ Frooti has been granted bail by a co-ordinate Bench of this Court vide order dated 23.02.2023 passed in Cr. Misc. No. 66707 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 24.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, in which he is on bail.

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 Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No. 194 of 2022, G.R. No. 1217 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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