

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13810 of 2024

Arising Out of PS. Case No.-415 Year-2023 Thana- RIGA District- Sitamarhi

Shibu Kumar Singh @ Shivendra Kumar S/o Mukesh Kumar @ Mukesh Kumar Singh R/o vill - Belahiya Jairam, P.S. - Sahiyara, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Riga P.S. Case No. 415 of 2023, lodged on 07.10.2023 under Sections 392 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged against three unknown accused persons against whom there is an allegation that they have committed robbery and snatched the motorcycle of the informant on gun point.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that the name of the petitioner has been figured in this case only by virtue of confessional statement of the co-accused. Counsel further submits that nothing incriminating has



been recovered from the petitioner's possession nor he was put on TIP. Counsel submits that the petitioner was alleged to be identified in the CCTV footage.

5. Learned counsel for the petitioner submits that the criminal antecedent of the petitioner is not clean and there are seven criminal cases pending against him. The petitioner is in custody since 23.11.2023 in the present case.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the criminal antecedent of the petitioner is not clean and there are seven criminal cases pending against him and this aspect may be taken into consideration while considering the bail application of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Sitamarhi in connection with Riga P.S. Case No. 415 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

(I)- Sahiyara P.S. Case No. 40 of 2019.

(II)- Sahiyara P.S. Case No. 39 of 2019.



- (III)- Belsand P.S. Case No. 26 of 2021.
- (IV)- Runnisaidpur P.S. Case No. 124 of 2021.
- (V)- Runnisaidpur P.S. Case No. 162 of 2021.
- (VI)- Piprahi P.S. Case No. 51 of 2021.
- (VII)- Piprahi P.S. Case No. 55 of 2021.

(Dr. Anshuman, J.)

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