

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38452 of 2024

Arising Out of PS. Case No.-206 Year-2023 Thana- RIGA District- Sitamarhi

Rajesh Kumar, aged about 26 years, Gender-Male, Son of Shankar Sah,
Resident of Village- Bhabdepur Gote, Ward No.01, P.S.- Riga, District-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Riga
P.S. Case No. 206 of 2023 instituted for the offences punishable
under Section 394 of the Indian Penal Code and Section 27 of
the Arms Act.

3. As per the prosecution case, accused persons looted
the bag of the informant which contain Rs. 51,000/-, one mobile
and also looted informant's motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case only on the basis of
suspicion. Petitioner is not named in the FIR and the informant



registered the present case only against one Gautam Choudhary and three another unknown persons. Petitioner has been made accused only on the basis of confessional statement of co-accused Mithilesh Pathak. He next submits that no any incriminating articles have been recovered from the conscious possession of the petitioner. Petitioner is in custody since 07.11.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned 14th Additional Sessions Judge, Sitamarhi dated 06.04.2024, it appears that petitioner is not named in the FIR. From perusal of the records, it appears that the name of the petitioner has been surfaced only on the basis of confessional statement of co-accused Mithilesh Pathak, no recovery has been made from the conscious possession of the petitioner. Similarly situated co-accused person namely Sujit Kumar @ Sujit Patel @ Banar Sena @ Sujeet Kumar has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 28032 of 2024 vide order dated 23.04.2024, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the



like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Riga P.S. Case No. 206 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen days) from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on above conditions and further the petitioner shall be present before the trial Court till conclusion of proceeding of trial.

(Ramesh Chand Malviya, J)

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