

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2493 of 2022

Arising Out of PS. Case No.-164 Year-2020 Thana- MUSAHARI District- Muzaffarpur

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GANESH RAM Son of Yogendra Ram Resident of Village- Mushahari @
Radha Nagar, P.S.- Mushahari, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Madhura Nand Jha

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 05-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Mushahari P.S. Case No. 164 of 2020 registered for the offence
under Sections 392 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 05.09.2021.

The allegation against the petitioner is to commit
robbery and while committing so, taken away cash of Rs.
3,00,000/- (Rupees Three Lac Only), belongs to the informant.

Learned counsel appearing on behalf of the petitioner
submitted that name of the petitioner surfaced on the basis of



confessional statement of co-accused, namely, Anand Pandey, in furtherance thereof nothing incriminating surfaced/recovered during course of investigation, which may connect this petitioner with the present set of occurrence. It is also submitted that description as set out by co-accused, namely, Anand Pandey, is not matching with description of this petitioner, which creates serious doubt as regard to the involvement of petitioner. It is also submitted that petitioner was not put on TIP, as yet. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced/recovered during course of investigation to connect this petitioner with the present set of robbery coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mushahari P.S. Case No. 164 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned CJM,
Muzaffarpur/concerned court, subject to the condition as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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