

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3322 of 2022

Arising Out of PS. Case No.-36 Year-2021 Thana- NAURANGIA District- West Champaran

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SARPHULLAH ANSARI S/o Mukhtar Miya R/o Village-Lachhnauta, P.S.-
Matiyariya, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-09-2022 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
Naurangiya P.S. Case No. 36 of 2021 registered for the offence
under Section 392 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 01.07.2021.

The allegation against the petitioner is to commit
robbery and while committing, so taken away motorcycle and
mobile, which belong to the informant.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of self-confession, and in furtherance thereof, recovery of mobile phone was made from the house of the petitioner which is jointly occupied by other family members and as such it cannot be said to be recovered from the conscious physical possession of the petitioner. It is further submitted that petitioner and recovered materials both were not put on TIP, as yet. While concluding the argument, it has been submitted that investigation in this case is complete, for which, charge-sheet has 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 alleged recovery was not made from conscious physical possession of the petitioner 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 Naurangiya P.S. Case No. 36 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M.



1stClass, Bagaha, West Champaran/concerned court, subject to
the following conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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