

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4268 of 2022

Arising Out of PS. Case No.-37 Year-2021 Thana- DIGHA District- Patna

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Rohit Kumar @ Rohit Tiwari @ Rohit Kumar Tiwary Son of Ganesh Tiwari
R/O Village- Mahuli, P.S.- Isuapur, District- Saran (CHAPRA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-09-2022 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 Digha
P.S. Case No. 37 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 27.03.2021.

The allegation against the petitioner is to commit
robbery along with other co-accused persons and while
committing so, taken away motorcycle of the informant, where
informant received firearms injuries on his leg.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is not named in the FIR and name of the petitioner surfaced on the basis of self confessional statement, while apprehended in Patliputra P.S. Case No. 154 of 2021. It has further been submitted that TIP was not conducted and alleged recovery of motorcycle was not from the conscious physical possession of the petitioner. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, 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 recovery of alleged motorcycle has not been made from the 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 Digha P.S. Case No. 37 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 SDJM, Patna, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till



the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Ganesh Tiwari, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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