

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5831 of 2022**

Arising Out of PS. Case No.-545 Year-2020 Thana- KORHA District- Katihar

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Banti Kumar Ray S/O Pappu Ray R/O Lalkothi, Ward No. 17, P.S. Katihar
(Nagar), District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

9 13-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Korha
P.S. Case No. 545 of 2020 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 04.01.2021.

The allegation against the petitioner is to commit
robbery and while committing so taken away cash of
Rs.50,854/- (Fifty Thousand Eight Hundred Fifty Four) and a



cheque of Rs. 77,800/- (Seventy Seven Thousand Eight Hundred) belongs to the informant, alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of secret input as well as on the basis of self confession, where recovery of Rs.15,000/- (Rupees Fifteen Thousand) was alleged to be made. It is further submitted that the recovered cash of Rs.15,000/- (Rupees Fifteen Thousand) belongs to the petitioner, as same cannot be connected with the cash alleged to be looted from the informant in want of any details and denominations of currency notes. It is pointed out that petitioner is involved in three more criminal cases in which he is on bail. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the F.I.R.

In view of the facts and circumstances, as mentioned above, as details and denominations of recovered/looted



currency notes are not available coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Korha P.S. Case No. 545 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 Chief Judicial Magistrate, Katihar, District- Katihar/concerned Court, subject to the following conditions:

“(i) That accused/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) That 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
Pappu Ray, who is the father of the petitioner
and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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