

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5521 of 2022

Arising Out of PS. Case No.-463 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Shekhar Kumar Son of Suresh Kumar Choudhary @ Suresh Choudhary
Resident of Village - Brahampura, Badi Vishkarma mandir, P.s.- Brahampura,
Distt.- Muzaffarpur, Present Address Mohalla - Jagran Chowk, P.S.-
Brahampura, Dist.- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-09-2022 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 Town P.S.
Case No. 463 of 2021 registered for the offence under Sections
394 and 412 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.08.2021.

The allegation against the petitioner is to commit
robbery in the shop of the informant, alongwith other co-
accused persons, and while committing so, taken away silver



jewelery/ornament.

Learned counsel appearing on behalf of the petitioner submitted that the maximum allegation against this petitioner is to act as a liner, where name of the petitioner surfaced on the basis of disclosure made by the apprehended co-accused, namely, Chhotu Kumar. It is submitted that no incriminating material/alleged stolen silver jewelery/ornament was recovered from the possession of the petitioner, so as to connect the petitioner with present occurrence of robbery. It is further submitted that subsequent of the present case, name of the petitioner surfaced in two cases of similar nature on the basis of confessional statement of co-accused, as of present. While concluding the argument, it is submitted that 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, while opposing the prayer of bail, fairly conceded the fact that recovery of looted silver jewelery/ornament was made from the possession of the co-accused, namely, Chhotu Kumar, as per seizure list.

In view of the facts and circumstances, as mentioned above, as stolen silver jewelery/ornament was not recovered from



the possession of the petitioner 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 Town P.S. Case No. 463 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 Chief Judicial Magistrate, Muzaffarpur/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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