

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6161 of 2022

Arising Out of PS. Case No.-232 Year-2021 Thana- KANKARBAG District- Patna

1. RAHUL KUMAR @ RAHUL RAM @ RAHUL KAHAR Son of Umesh Ram @ Umesh Kahar Resident of Village - T.V. Tower, Jhoparpatti, P.s.- Agamkuan, Dist.- Patna.
2. ASHOK SAHNI @ GERA @ ASHOK KUMAR @ ASHOK MALLAH Son of Ram Balak Sahni Resident of Village - Gandhi Nagar, Near Shiv Mandir Jhoparpatti, P.S.- Agamkuan, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan

For the Opposite Party/s : Mr. Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2022 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with
Kankarbagh P.S. Case No. 232 of 2021 registered for the
offence under Sections 394, 307, 120(B) of the IPC and Section
27 of Arms Act.

The petitioners are not named in the FIR and are in
custody since 12.03.2021.

Accusation against the petitioners to commit
robbery and while committing so taken away the cash of Rs.
2,000/-, two ATM cards, etc. from the son of the informant.



Learned counsel appearing on behalf of the petitioners submitted that the petitioners are not named in the FIR and their name surfaced on the basis of confessional statement of the co-accused, namely, Rishi Kumar. It has further been submitted that nothing incriminating material has been recovered from the possession of the petitioner in furtherance of the said confession of the co-accused. It has been submitted that Petitioner No.1 and 2 are involved in 2 and 3 other criminal cases respectively as mentioned in paragraph no.3 of the bail petition and they are on bail in those cases. It has further been submitted that TIP has not been conducted and 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 for bail, fairly conceded the fact that name of the petitioners has surfaced on the basis of confessional statement of co-accused.

Considering the facts and circumstances as mentioned above, as name of the petitioners have surfaced on the basis of confessional statement leading no recovery, which may connect the petitioners in present occurrence, let the petitioners, above named, are directed to be released on bail in connection with Kankarbagh P.S. Case No. 232 of 2021 on furnishing bail bond



of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned ADJ-XVI, Patna subject to the following conditions:

“(i) That petitioners 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 petitioners.

(ii) That petitioners 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 petitioners duly supported by the documents.

(iii) That one of the bailors shall be father of the petitioner no.1 of the petitioners, namely, Umesh Ram @ Umesh Kahar, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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