

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8786 of 2022

Arising Out of PS. Case No.-437 Year-2021 Thana- KATIHAR NAGAR District- Katihar

Rupesh Paswan @ Rupesh Kr. Paswan @ Hadda S/o Dashrath Paswan R/o -
Balu Tola, Fasia, P.S.- Katihar, Distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-11-2022 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 petitioners seek bail in connection with Katihar
Town P.S. Case No. 437 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
are in custody since 13.08.2021.

The allegation against the petitioner is to commit
robbery, while committing so, taken away cash of Rs. 74,460/-
(Rupees Seventy Four Thousand Four Hundred Sixty) belongs
to the informant.

Learned counsel appearing on behalf of the petitioner



submitted that name of petitioner surfaced on the basis of confessional statement of co-accused, where in furtherance thereof nothing incriminating surfaced/recovered during the course of investigation, which may connect to this petitioner, *prima facie*, with the present occurrence. It is further submitted that the petitioner was not put on T.I.P. as yet. It also submitted that mere on the ground of recovery of one bank loan application, the petitioner cannot be implicated in the present occurrence. It is also submitted that no currency notes, as alleged to be looted, was recovered from the possession of this petitioner. While concluding the argument, it is 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 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 above facts and circumstances, save and except bank loan application, nothing incriminating surfaced/recovered, during the course of investigation, which may connect to this petitioner, *prima facie*, with the present occurrence/robbery 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 Katihar Town P.S. Case No. 437 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, Katihar/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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