

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7698 of 2022

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

Rajnish Kumar Son of Subash Kr Singh Resident Of Village- Pipra, P.S.-
Sahajitpur, District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-10-2022 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 02.02.2021.

The allegation against the petitioner is to commit
robbery and while committing so taken away motorcycle
belongs to informant and also to cause fire arm injury on his leg,
while committing alleged robbery.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner has been falsely implicated in present case, where name of petitioner surfaced on the basis of confessional statement of co-accused persons, namely, Rohit Kumar Tiwary and Anil Kumar Sah. It is also submitted that said co-accused Rohit Kumar Tiwary has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 4268 of 2022 vide order dated 09.09.2022. It is further pointed out that petitioner was not put on TIP, as yet. It is also submitted that during the course of investigation, no incriminating material surfaced/recovered, which may connect this petitioner, *prima facie*, with present set of robbery. It is further submitted that petitioner involved in 5 criminal cases, where he is on bail. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned above, as no incriminating material recovered/surfaced, during the course of investigation, to connect this petitioner, *prima facie*, with present set of 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 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 Sub-Divisional Judicial Magistrate, Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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