

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8227 of 2022**

Arising Out of PS. Case No.-577 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

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MUKESH SADA SON OF LATE KUSHEWHSAR SADA R/O - WARD
NO.36, POKHARIA, P.S.- TOWN, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party/s : Md. Matloob Rab, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 25-07-2022 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 Begsarai
Town P.S. Case No. 577 of 2021 registered for the offence under
Sections 394 and 397 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 02.11.2021.

The allegation against the petitioner is to commit
robbery in the house of the informant and while committing so,
taken away cash of Rs. 10,000/- and also caused grievous injury
to the husband of the informant.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Mintu Kumar. It has further been submitted that in furtherance of the said confessional statement, nothing incriminating has been recovered from conscious physical possession of the petitioner, which may suggest the involvement of the petitioner, with the present set of occurrence. It has further been submitted that petitioner was never put on TIP before informant, who have claimed to be eye-witness of the present occurrence. It is also submitted that petitioner is involved in two other cases, in which, he is on bail. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 11216 of 2022 dated 14.06.2022. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already 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 petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as nothing incriminating recovered from the conscious



physical possession of the petitioner, which may connect the petitioner, *prima-facie*, with the 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 Begusarai Town P.S. Case No. 577 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 CJM, Begusarai/concerned court, subject to the following conditions:

“(i) That 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) 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 Deepak Paswan, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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