

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9909 of 2022**

Arising Out of PS. Case No.-13 Year-2021 Thana- SINGHESHWAR District- Madhepura

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Kanhaiya Kumar Son of Late Bal Krishna Yadav Resident of Village- Pipara
Ward No.-1, P.S.- Sour Bazar District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

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

2 05-07-2022 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
Singheshwar P.S. Case No. 13 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 08.03.2021.



The allegation against the petitioner is to commit robbery alongwith other co-accused persons and while committing so, taken away Rs.6,12,910/- (Rupees Six Lakh Twelve Thousand Nine Hundred Ten) in cash and one note counting machine from the informant.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced, during the course of investigation, on the basis of confessional statement of co-accused and also on self confession, leading to no recovery, which may connect the petitioner with present set of occurrence. It has been submitted that petitioner is involved in 13 cases and in most of the cases, he is on bail, where the name of the petitioner surfaced on the basis of confessional statement. While concluding the argument, it has been submitted that chargesheet has already been submitted in this case, 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 that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as the name of the petitioner surfaced on the basis of confessional statement of co-accused, leading no recovery,



which may incriminate the petitioner in the present set of occurrence coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Singheshwar P.S. Case No. 13 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, Madhepura, subject to the following conditions:

“(i) That accused/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
Monu Kumar Suman, who is the cousin
brother of the petitioner and deponent of the
present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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