

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9196 of 2022

Arising Out of PS. Case No.-920 Year-2020 Thana- TURKAULIYA District- East
Champaran

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Mukesh Kumar Son of Shambhu Sahani Resident of Village - Jhakhiya, P.s.-
Banjariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 06-12-2022 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

Turkauliya P.S. Case No. 920 of 2020 registered for the offence

under Section 394 of the Indian Penal Code.

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

is in custody since 26.02.2021.

The allegation against the petitioner is to commit

robbery and while committing so taken away motorcycle loaded

with ten pieces of shawls, five bundles of suits, three bundles of

sarees, etc., belongs to the informant.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner was remanded in present case on the basis of self-confession and also on the basis of confessional statement of co-accused, while apprehended in Turkauliya P.S. Case No. 934 of 2020. It is submitted that the alleged looted motorcycle was recovered from the house of the co-accused, namely, Sunil Kumar. It is also submitted that nothing surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with alleged occurrence of robbery. It is also submitted that petitioner was not put on TIP, as yet. 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 surfaced/recovered during the course of investigation to connect this petitioner, *prima facie*, with present set of robbery coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 26.02.2021, let the petitioner, above named, is directed to



be released on bail in connection with Turkauliya P.S. Case No. 920 of 2020 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, Motihari, East Champaran/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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