

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11140 of 2022

Arising Out of PS. Case No.-10 Year-2019 Thana- KOTWALI District- Munger

MD. SIKANDAR S/o Md. Sameem @ Doman R/o Village - Churamba, P.S.-
Kotwali, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-11-2022 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 petitioner seeks bail in connection with Kotwali
(Purabsarai) P.S. Case No. 10 of 2019 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 31.08.2020.

The allegation against the petitioner is to commit
robbery, along with other co-accused persons, and while
committing so taken away cash of Rs.1800/-, gold chain and one
mobile phone etc. which belongs to 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, Md. Imteyaz @ Tonny @ Tomi, where in furtherance thereof, no incriminating material recovered/surfaced, during the course of investigation, to connect this petitioner, *prima facie*, with the present set of occurrence/robbery. It is further submitted that petitioner was not put on TIP, as yet. It is also submitted that similarly situated co-accused person, Md. Imteya @ Tonny @ Tomi, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 50005 of 2021 vide order dated 29.01.2022. While concluding the argument, it is submitted that petitioner involved in two more criminal cases, where he is on bail in all cases and, moreover, investigation of this case is complete, 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 the fact that petitioner is not named in the FIR.

In view of 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 the present set of occurrence/robbery, where petitioner is in custody since 31.08.2020 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 Kotwali (Purabsarai) P.S. Case No. 10 of 2019 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, Munger/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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