

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10174 of 2022

Arising Out of PS. Case No.-195 Year-2020 Thana- DARPA District- East Champaran

Kumud Kumar @ Sumodh Kumar @ Engineer @ Samod Kumar S/O
Rameshwar Sah @ Rameshwar Prasad R/o village- Lakhaura, P.S.- Lakhaura,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-06-2022 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 two weeks
of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with Darpa
P.S. Case No. 195 of 2020 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 29.07.2021.

The name of the petitioner surfaced in the present
case on the confessional statement of co-accused Shashi Ranjan
Kumar @ Bhushan Kumar, who was apprehended in Darpa P.S.
Case No. 13 of 2021.

The allegation against the petitioner is to commit
robbery upon the informant and while committing so, taken



away cash of Rs.1,10,000/- (Rupees One Lakh Ten Thousand) alongwith other valuables like biometrics.

Learned counsel appearing on behalf of the petitioner submitted that nothing incriminating has been recovered from the conscious possession of the petitioner and petitioner's name surfaced on the basis of confessional statement of co-accused Shashi Ranjan Kumar @ Bhushan Kumar. It has also been submitted that no T.I.P. has been conducted and as such merely on the basis of confessional statement, the petitioner has been made accused in this case.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that nothing incriminating has been recovered from the conscious possession of the petitioner.

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 to no recovery, let the petitioner, above named, is directed to be released on bail in connection with Darpa P.S. Case No. 195 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 Judicial Magistrate- 1st Class, Raxaul at Motihari,



subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing 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 properly represented 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 duly supported by the documents.

(iii) That one of the bailors shall be the close relative of the accused/ petitioner like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

Ankit/-

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