

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11122 of 2022**

Arising Out of PS. Case No.-329 Year-2021 Thana- TRIVENIGANJ District- Supaul

ANIL KUMAR @ GUDDU S/o Bindeshwari Pr. Yadav Resident of Village -
Kar- Harwa, Ward No. 10, P.S. Triveniganj, Dist. - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Goutam

For the Opposite Party/s : Mr. Bhanu Pratap Singh

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

2 14-06-2022 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 a period
of four weeks from today.

The petitioner seeks bail in connection with
Triveniganj P.S. Case No. 329 of 2021 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 09.10.2021.

The allegation against the petitioner is to cause hurt
while committing robbery and while committing so, taken away
Auto, purchased articles of Rs. 1,83,000/- (One Lakh Eighty
Three Thousand) only etc. of informant alongwith other co-
accused persons.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of the disclosure made by the co-villagers of the petitioner during the course of investigation. It has been submitted that nothing incriminating material has been recovered from the petitioner and moreover the informant filed an affidavit before the Lower Court, of the effect, that petitioner was not involved in the occurrence. While concluding the argument it has been submitted that chargesheet has already been submitted as such there is no chance of tampering of evidence.

Learned A.P.P. appearing on behalf of the State while opposing the prayer of bail fairly conceded that no incriminating article has been recovered from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as no incriminating material has been recovered from the conscious physical possession of the petitioner, which may suggest his involvement in the occurrence coupled with the fact that the chargesheet has already been submitted in this case, let the petitioner, above named is directed to be released on bail in connection with Triveniganj P.S. Case No. 329 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Supaul, subject to the following conditions:

“(i)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 bailor shall be Bindeshwari Pr. Yadav, son of Late Anandi Prasad Yadav and deponent of present bail petition.”

(Chandra Shekhar Jha, J)

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