

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12105 of 2022**

Arising Out of PS. Case No.-89 Year-2021 Thana- CHANPATIA District- West Champaran

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Rohit Kumar Rai Son of Madhusudan Rai @ Madhusudhn Ray Resident of
Village - Malkauli, P.S. - Chanpatia (Kumarbag O.P.), District - West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

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

2 12-07-2022 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 Chanpatia

(Kumarbag O.P.) P.S. Case No. 89 of 2021 registered for the

offence under Section 379 of Indian Penal Code.



The accused/petitioner is not named in the F.I.R. and is in custody since 24.06.2021.

The allegation against the petitioner is to commit theft and while committing so, taken away motorcycle of the informant bearing Registration no. BR 22 AR 8656.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Gulshan Kumar. It is submitted that nothing incriminating recovered from the conscious possession of the petitioner in furtherance of said confession and, moreover, petitioner has not been put on T.I.P. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, 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 connect the petitioner with the present set of



occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chanpatia (Kumarbag O.P.) P.S. Case No. 89 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, West Champaran, Bettiah/concerned Court, 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
Madhusudan Rai, who is the father of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

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