

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13672 of 2022

Arising Out of PS. Case No.-32 Year-2021 Thana- ANGARGHAT District- Samastipur

SONU KUMAR @ RAJESH @ RAJESH JHA Son of Gaya Prasad @ Rama Prasad Resident of Machuatoli, near Santoshi Maa Mandir, P.S.- Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devi Das Srivastava, Advocate
For the Opposite Party/s	:	Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-08-2022 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 Angarghat P.S. Case No. 32 of 2021 registered for the offence under Sections 120 (B), 392 and 411 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 10.06.2021.

The allegation against the petitioner is to commit robbery and while committing so, taken away bolero pickup van of the informant.

Learned counsel appearing on behalf of the petitioner



submitted that informant is the owner of the vehicle, which was seized under excise law, as it was carrying cough syrup, having contraband, namely, 'codeine', this petitioner has falsely been implicated in the present case with oblique motive to save himself from prosecution. It is submitted that alleged vehicle, which is the subject of robbery, recovered from open place and as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for informant, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the recovery of vehicle cannot be said from conscious physical possession of the petitioner, who is a man of clean antecedent 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 Angarghat P.S. Case No. 32 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 A.C.J.M. 2nd Dalsingh Sarai/concerned court, 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.

(ii) That one of the bailors shall be Shubham Kumar, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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