

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14560 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- MAHINDWARA District- Sitamarhi

NIRAJ SINGH Son of Nepali Singh @ Ajeet Singh Resident of Village-
Neori, P.S.- Mahindwara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15017 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- MAHINDWARA District- Sitamarhi

Nitesh Kumar Son Of Deva Rai @ Devnarayan Rai Resident Of Village-
Batrauli, Police Station- Mahindwara, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 14560 of 2022)

For the Petitioner/s : Mr.Baidya Nath Prasad, Advocate

For the Opposite Party/s : Mr.Ashok Kumar, Advocate

For the State : Mr.R.N. Jha, APP

(In CRIMINAL MISCELLANEOUS No. 15017 of 2022)

For the Petitioner/s : Mr.Ramchandra Singh, Advocate

For the State : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-08-2022

Cr. Misc. No.14560 of 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



Mahindwara P.S. Case No. 80 of 2021 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 20.06.2021.

The allegation against the petitioner is to commit robbery and while committing so, taken away the vehicle, mobile and other valuable documents of 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, namely, Indrajeet Kumar Rai, where there is no incriminating material or anything surfaced during course of investigation, which may suggest the involvement of the petitioner with the present occurrence. It has further been submitted that petitioner was never put on TIP. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, 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 that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned



above, as nothing incriminating surfaced during course of investigation, which may connect petitioner, *prima facie*, with the present set of occurrence 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 Mahindwara P.S. Case No. 80 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 C.J.M., Sitamarhi/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 Kanti Devi, who is the mother of the petitioner and deponent of the present bail petition.”

Cr. Misc. No.15017 of 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 Mahindwara P.S. Case No. 80 of 2021 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 08.10.2021.

The allegation against the petitioner is to commit robbery and while committing so, taken away the vehicle, mobile and other valuable documents of 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, namely, Indrajeet Kumar Rai, where there is no incriminating material or anything surfaced during course of investigation, which may suggest the involvement of the petitioner with the present occurrence. It has further been submitted that petitioner was never put on TIP. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, 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 that petitioner is not named in the FIR.



Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced during course of investigation, which may connect petitioner, *prima facie*, with the present set of occurrence 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 Mahindwara P.S. Case No. 80 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 C.J.M., Sitamarhi/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 Awadhesh Ray, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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