

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18677 of 2022

Arising Out of PS. Case No.-246 Year-2019 Thana- BENIPATTI District- Madhubani

Shiv Narayan Kumar S/o Ram Ugrah Ray @ Ram Ugarah Ray R/o village-
Bidupur Dih @ Bidupur Bazar, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate
For the State : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Benipatti
P.S. Case No. 246 of 2019 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 01.04.2021.

The allegation against the petitioner is to commit
robbery and, while committing so, taken away cash of
Rs.1,37,274/- (One Lakh Thirty Seven Thousand Two Hundred
Seventy Four) from the informant and also his mobile phone on
29.08.2019, while working in Bharat Financial Inclusion



Limited at Benipatti. It is further alleged that miscreants had also assaulted other staff members and had taken away Rs.1,65,598/- (One Lakh Sixty Five Thousand Five Hundred Ninty Eight).

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, Rit Lal Mallik, where nothing incriminating recovered/surfaced during the course of investigation, which may connect the petitioner, *prima facie*, with the alleged occurrence of robbery. It is further submitted that petitioner was never put on T.I.P. and was named in this case only due to his criminal antecedents, having eight more cases, where he is on bail. It is also submitted that co-accused, namely, Rit Lal Mallik has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 23233 of 2021 dated 01.11.2021. 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.



In view of the facts and circumstances, as mentioned above, as nothing incriminating recovered/surfaced, which may connect the petitioner, *prima facie*, with the alleged 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 Benipatti P.S. Case No. 246 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Benipatti, Madhubani/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) That 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 Vinod Kumar, who is the younger brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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