

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20926 of 2022**

Arising Out of PS. Case No.-78 Year-2021 Thana- BEERPUR District- Begusarai

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Shankar Kunwar Son of Jay Kant Kunwar Resident of village - Bharaul, P.S.-
Bachchwara, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Anand, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 16-08-2022 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.

At the outset, learned counsel for the petitioner
submitted that in the prayer portion, at page no.6 of the bail
petition, inadvertently, police station case number has been
wrongly typed as 'Birpur P.S. Case No. 78 of 2022' instead of
'Birpur P.S. Case No. 78 of 2021'.



Accordingly, learned counsel for the petitioner is permitted to make necessary correction during the course of the day itself.

The petitioner seeks bail in connection with Birpur P.S. Case No. 78 of 2021 registered for the offence under Sections 394, 397 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 10.09.2021.

The allegation against the petitioner is to cause grievous hurt by using fire arm while committing robbery, and while committing so, taken away cash of Rs.3,05,000/- (Rupees Three Lakh Five Thousand) from 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, Jawahar Paswan, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 66017 of 2021 dated 29.04.2022. It is submitted that in furtherance of the said confessional statement, nothing incriminating recovered/surfaced during the course of investigation, which may connect the petitioner with the present set of occurrence. It



is further pointed out that CCTV footage and Call Detail Report (CDR) are also not connecting the petitioner because the identification is only limited to colour and wearing of clothes. It is pointed out that petitioner is involved in eight more criminal cases, in which he is on bail in six cases and in most of the cases, name of the petitioner surfaced on the basis of confessional statement, as of present. 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 CCTV footage is not revealing the identity of the petitioner, as same is limited only to the colour and wearing of the clothes.

Considering the facts and circumstances as mentioned above, as CCTV footage failed to reveal the identity of the petitioner 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 Birpur P.S. Case No. 78 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 Additional Chief Judicial Magistrate-VI,



Begusarai/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

The physical appearance of the I/O of this case before this Court is dispensed with.

(Chandra Shekhar Jha, J)

Ankit/-

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