

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5926 of 2022

Arising Out of PS. Case No.-219 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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Shivam Kumar S/O Manoj Yadav @ Manoj Kumar Manmouji R/o village-
Markhi, P.O.- Durgapur, P.S.- Mufassil, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 22717 of 2022

Arising Out of PS. Case No.-219 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

=====

Rupesh Kumar Son of Chandan Yadav R/O Village- Morkahi, P.S.- Muffasil,
District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 5926 of 2022)

For the Petitioner/s : Mr. Pranav Kumar, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

(In CRIMINAL MISCELLANEOUS No. 22717 of 2022)

For the Petitioner/s : Mr. Saket Kumar, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-08-2022

Cr. Misc. No. 5926 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 Sahebpur Kamal P.S. Case No. 219 of 2021 registered for the offence under Section 392 of the Indian Penal Code, 1860.

The accused/petitioner is not named in the F.I.R. and is in custody since 29.10.2021.

The allegation against the petitioner is to commit robbery, alongwith other co-accused persons, and while committing so, taken away Samsung mobile, cash of Rs.2,700/- (Rupees Two Thousand Seven Hundred) and gold chain, belongs to the informant.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the F.I.R. It is submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, Ravi Kumar and, moreover, nothing incriminating recovered/surfaced during the course of investigation, which may connect the petitioner with the present occurrence of robbery. It is submitted that, as per F.I.R., the mobile phone, which was looted is of Samsung company, whereas seizure list is showing that same is of LG and OPPO company, contradicting the entire allegations. It is also



submitted that seizure list is not supported by independent witnesses as same appears to be in violation of Section 100(4) of the Cr.P.C. It is further submitted that 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 and considering the disputed seizure list, contradicting the seizures 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 Sahebpur Kamal P.S. Case No. 219 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, Begusarai/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 Manoj Yadav @ Manoj Kumar Manmouji, who is the father of the petitioner and deponent of the present bail petition.”

Cr. Misc. No. 22717 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 Sahebpur Kamal P.S. Case No. 219 of 2021 registered for the offence



under Section 392 of the Indian Penal Code, 1860.

The accused/petitioner is not named in the F.I.R. and is in custody since 29.10.2021.

The allegation against the petitioner is to commit robbery, alongwith other co-accused persons, and while committing so, taken away Samsung mobile, cash of Rs.2,700/- (Rupees Two Thousand Seven Hundred) and gold chain, belongs to the informant.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the F.I.R. and, moreover, nothing incriminating recovered/surfaced during the course of investigation, which may connect the petitioner with the present occurrence of robbery. It is submitted that, as per F.I.R., the mobile phone, which was looted is of Samsung company, whereas seizure list is showing that same is of OPPO company, contradicting the entire allegations. It is also submitted that seizure list is not supported by independent witnesses as same appears to be in violation of Section 100(4) of the Cr.P.C. It is further submitted that petitioner has not been put on T.I.P. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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 and considering the disputed seizure list, contradicting the seizures 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 Sahebpur Kamal P.S. Case No. 219 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-IV, Begusarai/concerned Court, subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be Chandan Yadav, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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