

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25613 of 2022

Arising Out of PS. Case No.-488 Year-2020 Thana- GORAUL District- Vaishali

KARMBIR KUMAR S/o Bir Bahadur Singh R/o village- Khilwat, P.S.-
Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, 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 counsel appearing on behalf of the state
through virtual court proceedings.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Goraul
(Katahara-O.P) P.S. Case No. 488 of 2020 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 05.06.2021.

The allegation against the petitioner is to commit robbery
and while committing so, taken away Rs. 33,643/-from dicky of
motorcycle of the informant.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is not named in the FIR, where name of the



petitioner surfaced on the basis of self confession after apprehending in Baligaon P.S. Case No. 146 of 2020. It is submitted that no cash as alleged to be looted recovered from the physical possession of the petitioner. It is also submitted that petitioner was never put on TIP. While concluding the argument, it has been submitted that investigation is complete, for which, charge-sheet has been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as petitioner is not named in FIR, having no recovery of cash coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Goraul (Katahara-O.P.) P.S. Case No. 488 of 2020 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, Ist, Vaishali, subject to the following conditions:

“(i)That 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) *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 Bir Bahadur Singh, who is the father of the petitioner and deponent of the present bail petition.”*

(Chandra Shekhar Jha, J)

R.S.Sen/-

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