

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26267 of 2022

Arising Out of PS. Case No.-429 Year-2018 Thana- NATHNAGAR District- Bhagalpur

Santosh Kumar Roy @ Santosh Kumar Anand Son Of Sahdeo Prasad @
Sahdeo Prasad Roy R/O Mohalla- Chuki Nayamatpur, P.S.- Nath Nagar,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Nathnagar P.S. Case No. 429 of 2018 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, the informant was robbed by a tempo driver and his friend of Rs. 8700/- cash, gold ring, two mobile phones, two ATM cards, two credit cards and watch. The name of the petitioner transpired as an accused



during investigation.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He was neither named in the FIR nor anything incriminating has been recovered from his conscious possession. Till date, the Test Identification Parade has not been carried out. The petitioner has been named by the co-accused who is not on good terms with the petitioner. The tempo in question does not belong to this petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 24.02.2022. The petitioner has got no criminal antecedent.

Learned APP opposes the prayer for bail of the petitioner.

Having regard to the submission made hereinabove and considering the fact that no recovery has been made at the instance of the petitioner apart from his period of custody and submission of charge sheet and also considering the clean antecedent of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-2nd, Bhagalpur in connection with Nathnagar P.S. Case No. 429



of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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