

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26152 of 2022**

Arising Out of PS. Case No.-12 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Jitendra Kumar @ Jittu Son Of Ram Chandra Mahto R/O Village- Garhpura
(TOLA Katahri), P.S.- Garhpura, District- Begusarai Petitioner
Versus

The State Of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vikramdeo Singh, Advocate
For the Opposite Party/s : Mr.Raj Kishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-08-2022 Heard Mr. Vikramdeo Singh, learned counsel for the

petitioner and learned APP for the State in Virtual Court

Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Cheriya Bariyarpur P.S. Case No. 12 of 2022 under sections 394
and 397 of the Indian Penal Code.

As per the prosecution story, the informant has
alleged that he along with his staff were sitting in his grocery
shop where it is alleged that a young man in blue colour track
shoot with a bag entered his shop, pointed pistol and decamped
with Rs. 75,000/- from his drawer.

He has further alleged that while the said accused
was looting the amount, the two other co-accuseds were also
standing outside of the shop. It has lastly alleged that since all



of them were masked and later fled away towards Nawkothe on a motorcycle, they could not be identified and accordingly, FIR was lodged against unknown.

Learned counsel for the petitioner submits that although the petitioner was arrested on 20.1.2022 (as stated in para-13 of the bail application), the police failed to conduct TIP which is an essential ingredients in criminal cases. He further submits that although the police claims to have recovered/seized Rs. 20,000/- from his house, it is not the case that the recovered amount belongs to the informant and/or the same has been recovered from his conscious possession. He lastly submits that the accused/petitioner has already suffered by being in jail since 20.1.2022 (as stated in para-13 of the bail application).

Taking into account all the aforesaid facts including the facts that he is in custody since 20.1.2022, charge-sheet stands submitted and no TIP was done (as per para-13 of the bail application), this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-1st, Manjhaul, Begusarai, in connection with Cheriya Bariyarpur



P.S. Case No. 12 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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