

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26303 of 2022

Arising Out of PS. Case No.-370 Year-2021 Thana- BALIYA District- Begusarai

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AJEET KUMAR @ AJIT KUMAR Son of Dilan Tanti @ Dhilan Tanti
Resident of Village - Sadanandpur, P.s.- Ballia, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-08-2022 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 Ballia P.S. Case No. 370 of 2021 registered for the alleged offences under Sections 392, 411 and 413 of the Indian Penal Code.

As per prosecution case, the motorcycle of the informant was robbed by two miscreants who also took away his mobile phone. Later on, the name of the petitioner surfaced as one of the accused persons.



Learned counsel for the petitioner submits that petitioner is not named in the FIR and nothing incriminating has been recovered from his person or possession. During the course of investigation, co-accused Rahul Kumar confessed the name of the petitioner as one of the accused who took part in the robbery and furthermore, on disclosure of co-accused Gaurav Kumar, looted motorcycle was recovered. So, neither the motorcycle nor the mobile phone was recovered from the possession of this petitioner who has not been put to Test Identification Parade, as the informant refused to participate in Test Identification Parade. Charge sheet has been submitted in this case and the petitioner is in custody since 24.12.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner was named by the co-accused Rahul Kumar. However, he concedes that no recovery has been made from this petitioner.

Having regard to the submission made hereinabove and considering the fact that no recovery has been shown from the petitioner or at his instance and further considering the submission of charge sheet as well as his period of custody, 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 Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 370 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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)

Gautam/-

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