

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.29351 of 2022**

Arising Out of PS. Case No.-212 Year-2021 Thana- UJIYARPUR District- Samastipur

SUBHAM KUMAR CHOUDHARY @ SUBHAM CHAUDHARY S/o- Late  
Braj Bhusan Chaudhary R/o- Village- Chand Chaur Dih, P.S.- Ujiyarpur,  
District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA  
ORAL ORDER**

2      16-09-2022                      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 Ujiyarpur  
P.S. Case No. 212 of 2021 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 16.02.2022.

The allegation against the petitioner is to commit  
robbery and while committing so, taken away Apache  
motorcycle and Blackberry mobile phone, belongs to the



informant, along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Vimlesh Kumar, while apprehending in Ujiyarpur P.S. Case No. 211 of 2021. It is submitted that in furtherance of said confession, recovery of neither looted motorcycle nor mobile phone were made from physical possession of this petitioner, rather same was made from co-accused persons. It is further submitted that as petitioner was involved in 16 criminal cases, where he is on bail, implicated in present case on the basis of suspicion. It is also submitted that petitioner was never put on TIP. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned above, as nothing surfaced during the course of investigation, which may connect petitioner with present occurrence of robbery coupled with the fact that charge-sheet has already been



submitted, let the petitioner, above named, is directed to be released on bail in connection with Ujiyarpur P.S. Case No. 212 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, Dalsinghsarai, Samastipur/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

R.S.Sen/-

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