

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32928 of 2022

Arising Out of PS. Case No.-78 Year-2021 Thana- BEERPUR District- Begusarai

PRAKASH KUMAR @ BHUTTA @ PRAKASH PASWAN S/o Late Ram
Chandra Paswan R/o village- Birpur, P.S.- Birpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar, Advocate
For the Opposite Party/s : Mr. Akbar Ali, 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 Birpur
P.S. Case No. 78 of 2021 registered for the offence under
Sections 394, 397 and 307 of the Indian Penal Code and Section
27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 11.07.2021.

The allegation against the petitioner is to commit
robbery and while committing so, taken away, Rs. 3,05,000/-
(Rupees Three Lac and Five Thousand Only), three cheque



books, ID card and account opening form, from the informant.

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, Jawahar Paswan and in furtherance of which nothing incriminating surfaced during course of investigation, which may connect this petitioner with the present set of occurrence. It is also submitted that said co-accused has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 66017 of 2021 dated 29.04.2022. It is also submitted that petitioner was not put on TIP, as yet. It is also submitted that the petitioner is a man of clean antecedent, moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced/recovered during course of investigation in furtherance of confessional statement of co-accused to connect this petitioner, *prima-facie*, with the present set of occurrence, who is a man of clean antecedent



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 Birpur P.S. Case No. 78 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 A.C.J.M. - VI, Begusarai/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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