

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34792 of 2022

Arising Out of PS. Case No.-653 Year-2019 Thana- PIRBAHOR District- Patna

Sanju Kumar Son of Kallu Yadav Resident of Mohalla Kumhrar, P.S.
Agamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, 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 APP 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 Pirbahore
P.S. Case No. 653 of 2019 registered for the offence under
Section 392 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.01.2020.

The allegation against the petitioner is to commit
robbery and while committing so, taken away mobile, bluetooth,
wrist watch, three pieces of ring, cash of Rs.24,000/-, pan card
and adhaar card belongs to the informant and also assaulted the



informant on his head with butt of pistol, causing injury, having intention to cause death, alongwith 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, Vikki Kumar @ Vikki Boss, while apprehending in Agamkuan P.S. Case No. 1075 of 2019. It is submitted that petitioner is involved in eight more criminal cases, in which he is on bail in all cases and in most of the cases, name of the petitioner surfaced on the basis of confessional statement, as of present case. It is submitted that petitioner has been falsely implicated in the present case. It is further submitted that nothing incriminating recovered from the conscious physical possession of the petitioner. It is also submitted that identification, as claimed, is not as per established principle of law and just to make a balance in favour of the implication, a formality of identification was conducted by SHO of concerned police station. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that



petitioner is not named in the F.I.R.

In view of the facts and circumstances, as mentioned above, as nothing incriminating recovered from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Pirbahore P.S. Case No. 653 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be



allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Renu Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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