

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36185 of 2022

Arising Out of PS. Case No.-437 Year-2021 Thana- KATIHAR NAGAR District- Katihar

1. Kundan Kumar @ Kundan Paswan S/O Ramesh Paswan Resident of Village- Tingachhiya Balu Tola, Fasiya, P.S.- Katihar, District- Katihar.
2. Ajay Paswan S/O Ashok Paswan Resident of Village- Tingachhiya Balu Tola, Fasiya, P.S.- Katihar, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-11-2022 Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Katihar
Town P.S. Case No. 437 of 2021 registered for the offence under
Section 392 of the Indian Penal Code.

The accused/petitioners are not named in the F.I.R.
and are in custody since 13.08.2021.

The allegation against the petitioners is to commit
robbery, while committing so, taken away cash of Rs. 74,460/-
(Rupees Seventy Four Thousand Four Hundred Sixty) belongs



to the informant.

Learned counsel appearing on behalf of the petitioners submitted that name of petitioners surfaced on the basis of confessional statement of co-accused, namely, Rupesh Paswan, where in furtherance thereof nothing incriminating surfaced/recovered during the course of investigation, which may connect these petitioners, *prima facie*, with the present occurrence. It is further submitted that the petitioners were not put on T.I.P. as yet. It is also pointed out that the petitioner no. 2 is a man of clean antecedent and petitioner no. 1 is involved in one more case, where he is on bail. It is further pointed out that alleged recovery of cash of Rs. 5,200/- (Rupees Five Thousand Two Hundred) is without any details and denominations and, as such, it cannot be connected, in any manner, with the looted cash. 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 petitioners are not named in the F.I.R.

In view of the above facts and circumstances, as



nothing incriminating surfaced/recovered during the course of investigation, which may connect these petitioners, *prima facie*, with the present occurrence/robbery coupled with the fact that chargesheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Katihar Town P.S. Case No. 437 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-
S.Tripathi/-

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