

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38365 of 2022**

Arising Out of PS. Case No.-34 Year-2021 Thana- CHANPATIA District- West Champaran

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Vinay Kumar S/O Prabhu Prasad Resident of village- Amawa Majhar, P.S.-
Muffasil Bettiah, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-09-2022 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
Chanpatiya P.S. Case No. 34 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 15.03.2022.

The allegation against the petitioner is to commit
robbery and, while committing so, taken away motorcycle and
mobile, which belong to the informant, along with other co-
accused persons.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Imtiaz Alam. It is further submitted that for the same set of occurrence, another case as Bettiah City P.S. Case No. 137 of 2021 was lodged against this petitioner, as far recovery part of motorcycle is concerned, where he is on bail. It is also submitted that the alleged motorcycle was recovered from an open place, which is accessible by general public and, as such, it cannot be said that it was a case of recovery from the conscious physical possession of this petitioner. While concluding the argument, it is submitted that investigation of this case has been completed, for which charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

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

Considering the facts and circumstances as mentioned above, as alleged recovery of motorcycle was not made from the conscious physical possession of this petitioner, for which a separate case has been lodged, where petitioner is on bail coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in



connection with Chanpatiya P.S. Case No. 34 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 C.J.M, Bettiah, West Champaran/concerned court, subject to the following conditions:

“(i) That 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) 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 Prabhu Sah, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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