

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38270 of 2022

Arising Out of PS. Case No.-664 Year-2021 Thana- SUPAUL District- Supaul

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PRABHUSHANKAR @ PRABHUSHANKAR PAL @ PAPPU KUMAR S/o
Sandeep Kumar Pal Resident of Village- Chhti Ward No. - 1 Tola- Bhagwani,
P.S.- Ghailadh, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Supaul
(Lokaha OP) P.S. Case No. 664 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 24.02.2022.

The allegation against the petitioner is to commit
robbery, along with other co-accused and while committing so,
taken away, one bolero vehicle bearing registration no. BR 11GD
8547, loaded with 30 Cane of milk, belongs to the informant.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is not named in FIR and during course of investigation, name of this petitioner surfaced on the basis of confessional statement of co-accused, Satish Kumar @ Satish Yadav. It is further submitted that nothing incriminating material was recovered/surfaced, during course of investigation, which may connect this petitioner, *prima facie*, with the present set of robbery. It is also submitted that the petitioner named in the present case, as he is involved in 05 more criminal cases, where, he is on bail and in most of the cases, his name surfaced on the basis of confessional statement, as of present. It is also submitted that petitioner was not put on TIP, as yet. While concluding the argument, it is submitted that 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 petitioner was not named in the FIR.

Considering the facts and circumstances as mentioned above, as nothing incriminating was recovered/surfaced, during course of investigation to connect this petitioner, *prima facie*, with the present set 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 Supaul (Lokaha OP) P.S. Case No. 664 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., Supaul/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 of this petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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