

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39302 of 2022

Arising Out of PS. Case No.-283 Year-2021 Thana- BACHHWARA District- Begusarai

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KANHAIYA KUMAR GUPTA Son of Ajay Prasad Gupta @ Bhushan Gupta
Resident of Village - Chandra Lokman, Ward No.- 8, P.S.- Dalsingsarai,
District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-10-2022 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
Bachhwara P.S. Case No. 283 of 2021 registered for the offence
under Sections 392 and 397 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 06.03.2022.

The allegation against the petitioner is to commit
robbery and while committing so, taken away pick-up van, cash
of Rs. 11,000/- and one mobile of Redmi company, belongs to



informant.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in the present case. It is further submitted that name of this petitioner surfaced on the basis of confessional statement of co-accused, namely, Chhotu Kumar, where, nothing surfaced/recovered, during course of investigation, which may connect this petitioner, *prima facie*, with the present set of robbery. It is also submitted that petitioner was not put on TIP, as yet. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and 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 petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as nothing incriminating material surfaced/recovered 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 Bachhwara P.S. Case No. 283 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., 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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