

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39010 of 2022**

Arising Out of PS. Case No.-205 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

Rupak Kumar son of Diwakar Prasad yadav Resident of Salarpur Ward No.
09, Police Station - Parbatta, District - Khagaria (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Sinha, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 23-09-2022 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 Begusarai
(Town) P.S. Case No. 205 of 2022 registered for the offence
under Sections 394 and 412 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 05.04.2022.



The allegation against the petitioner is to commit robbery, and while committing so, taken away Scorpio vehicle, which belongs to the informant, alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that seizure list of alleged recovery of looted vehicle appears doubtful, as same is not supported by independent witnesses, rather by police personnel. It is also submitted that recovery of alleged looted vehicle was made from a public place, like school and, as such, it cannot be said that same was recovered from the possession of the petitioner, where petitioner was implicated only for the reason that he was roaming in that area, being house of his in-laws. 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 opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of looted vehicle was, admittedly, made from a public place, where seizure list is appearing doubtful, as same is not supported by independent witnesses 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 Begusarai (Town) P.S. Case No. 205 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/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



Phul Devi, who is the mother-in-law of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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