

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44198 of 2022**

Arising Out of PS. Case No.-16 Year-2020 Thana- NASRIGANJ District- Rohtas

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Pawan Raj @ Pawan Kumar son of Suresh singh @ Suresh Prasad Resident
of Village - Malikpur, P.O.- Sonmai, P.S.- Dhanarua, District - patna (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tiwari Shwetketu, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-11-2022 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 Nasirganj

P.S. Case No. 16 of 2020 registered for the offence under

Sections 392 and 394 of the Indian Penal Code.

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

is in custody since 20.03.2021.

The allegation against the petitioner is to commit

robbery, along with other co-accused persons, and while



committing so, taken away cash of Rs. 5000/- along with jewelry worth of Rs. 1,50,000/- and three (3) mobile phones, belongs to the informant.

Learned counsel appearing on behalf of the petitioner submitted that name of petitioner surfaced on the basis of self-confession while apprehended in Fatua P.S. Case No. 83 of 2020, where in furtherance thereof, nothing incriminating material surfaced/recovered, during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence/robbery. It is submitted that as petitioner involved in 14 criminal cases, where he is on bail in 10 cases, name of the petitioner surfaced in the present case also, having otherwise no bearing over the merit of this case. It is further submitted that in almost all 14 cases, name of the petitioner surfaced on basis of the self-confession/confessional statement, as of the present case. 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 is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in the FIR.



Considering the facts and circumstances as mentioned above, as no recovery of any incriminating material was made from the possession of this petitioner, which may connect this petitioner, *prima facie*, with the present occurrence/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 Nasirganj P.S. Case No. 16 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Bikramganj, District-Rohtas/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 learned 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 learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.



(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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