

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44199 of 2022**

Arising Out of PS. Case No.-484 Year-2020 Thana- RANIGANJ District- Araria

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Santosh Goswamy Son Of Raghunath Goswami R/O Village- Saifganj, P.S.-
Forbesganj, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, 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 Raniganj

P.S. Case No. 484 of 2020 registered for the offence under

Sections 395 and 412 of the Indian Penal Code.

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

is in custody since 15.02.2021.

The allegation against the petitioner is to commit

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



committing so taken away cash of Rs. 2030/- along with Redmi mobile phone which belongs to informant and also alleged to take away the key of motorcycle of the informant.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, Awadh Verma, where in furtherance thereof, no incriminating material recovered/surfaced, during the course of investigation, which may connect this petitioner, *prima facie*, with the present occurrence/robbery. It is submitted that petitioner was not put on TIP, as yet. It is further submitted that petitioner is involved in nine(9) more criminal cases and mere on the basis of suspicion arises out of his said criminal antecedents, without having any incriminating material name of the petitioner surfaced in the present case also. It is also submitted that out of nine (9) criminal cases, he is on bail in eight (8) cases and in most of the cases name of the petitioner surfaced on the basis of confessional statement, as of the present case. 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.

In view of the facts and circumstances as mentioned above, as nothing incriminating material recovered/surfaced, during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence/robbery, where petitioner is in custody since 15.02.2021 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 Raniganj P.S. Case No. 484 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 Sessions Judge, Araria/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 deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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