

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44417 of 2022

Arising Out of PS. Case No.-459 Year-2021 Thana- PIRO District- Bhojpur

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Pintu @ Kachhe S/o Heera Lal Singh Resident of Village - Balua tola P.S.-
Piro, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajani Ranjan Pd. Singh, Advocate
For the State	:	Mr. Meena Singh, 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 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 Piro P.S.
Case No. 459 of 2021 registered for the offence under Sections
392 and 395 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 05.05.2022.

The allegation against the petitioner is commit
robbery, whereas chargesheet has been submitted for dacoity,



and while committing so, petitioner alongwith other co-accused persons taken away a truck and cash of Rs.94,000/- (Rupees Ninty Four Thousand) belongs to 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, namely, Rahul Yadav, where in furtherance thereof, nothing incriminating surfaced/recovered to connect this petitioner, *prima facie*, with the alleged occurrence of robbery/dacoity. It is submitted that the said co-accused, namely, Rahul Yadav has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 20766 of 2022 dated 05.09.2022. It is also submitted that petitioner was not put on T.I.P. as yet. It is further submitted that petitioner is involved in two more criminal antecedent, in which he is on bail. 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, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the F.I.R.

In view of the facts and circumstances, as mentioned



above, as nothing incriminating surfaced/recovered in furtherance of confessional statement to connect this petitioner, *prima facie*, with the alleged occurrence of robbery/dacoity coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Piro P.S. Case No. 459 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 Additional Chief Judicial Magistrate-VIII, Bhojpur at Ara/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
the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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