

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45078 of 2022

Arising Out of PS. Case No.-188 Year-2021 Thana- BAKHARI District- Begusarai

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Gaurav Kumar Son of Manoj Mahto Resident of Village - Shital Rampur,
P.S.- Bakhari, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arjun Prasad, Advocate
For the State	:	Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-11-2022 At the outset, learned counsel for the petitioner submitted that in the prayer portion, at page no.5, of the bail petition, inadvertently, police station case number has been wrongly typed as 'Bakhri P.S. Case No. 188 of 2022' instead of 'Bakhri P.S. Case No. 188 of 2021'.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction during the course of the day itself.

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Bakhri P.S. Case No. 188 of 2021 registered for the offence under Section 392 of the Indian Penal Code.



The accused/petitioner is not named in the F.I.R. and is in custody since 20.05.2022.

The allegation against the petitioner is to commit robbery, and while committing so, taken away cash of Rs.1,90,000/- (Rupees One Lakh Ninty Thousand) and one motorcycle 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, Md. Rehul Ansari and in furtherance of the confessional statement, nothing incriminating surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of robbery. It is submitted that petitioner was not put on T.I.P. as yet. It is also submitted that the alleged motorcycle was recovered from the house of co-accused, namely, Md. Rehul Ansari and not from the possession of this petitioner. 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 during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of robbery 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 Bakhri P.S. Case No. 188 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-VI, 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 Manoj Kumar Mahto, who is the uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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