

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48420 of 2022**

Arising Out of PS. Case No.-551 Year-2018 Thana- SAKRA District- Muzaffarpur

ABHISHEK BHARTI Son of Arun Bharti R/o village - Vidyajhap, P.S.-
Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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

2 13-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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 Sakra P.S.
Case No. 551 of 2018 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 24.05.2022.

The allegation against the petitioner is to commit
robbery along with other co-accused persons and while
committing so, taken away Scooty belongs to informant, which
is registered in favour of his wife.

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, Aaditya Aryan @ Vidyarthi, in furtherance of which, nothing incriminating material surfaced/recovered during course of investigation, which may connect this petitioner with the present set of robbery. It is further submitted that petitioner was not put on TIP, as yet. It is also submitted that petitioner involved in 05 other criminal cases, where, he is on bail in 04 cases and acquitted in 01 case. It has further been submitted that the said co-accused, namely, Aaditya Aryan @ Vidyarthi has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 70477 of 2019 dated 04.12.2019. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned above, as nothing incriminating material surfaced/recovered to connect this petitioner, *prima-facie*, with the present set of occurrence, in furtherance of confessional statement 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 Sakra P.S. Case No. 551 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, IX, Muzaffarpur/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 of the



petitioner shall be deponent of the present
bail petition.”

(Chandra Shekhar Jha, J)

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