

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58662 of 2021

Arising Out of PS. Case No.-690 Year-2020 Thana- SARAIYA District- Muzaffarpur

Rohit Kumar, Son of Virendra Baitha, Resident of Village- Jujharpur, P.S.-
Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-04-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Saraiya P.S. Case No. 690 of 2020 for the offences punishable under Section 392 of the Indian Penal Code.

As per prosecution case, it is alleged that while the informant along with his friend was coming from Bank after withdrawing Rs.1,81,000/-, four persons riding on two motorcycles intercepted and snatched his bag containing Rs.1,81,000/-.



It is submitted on behalf of learned counsel for the petitioner that F.I.R. has been instituted against unknown miscreants. During the course of investigation, the name of the petitioner has transpired on the confessional statement of co-accused Mithilesh Kumar, who has already been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 37234 of 2021 vide order dated 07.01.2022. A copy of which has been produced before this Court, which is taken on record. It is next submitted that the petitioner is in custody since 23.01.2021, but till date petitioner has neither put on Test Identification Parade nor any recovery has been made.

On the other hand, learned APP appearing on behalf of State has submitted that the petitioner has been found involved in other two cases. In reply to the aforesaid submission, it is submitted on behalf of the petitioner that in one case, the petitioner has already been granted bail by the learned court below itself and with regard to another case, application for bail is pending before this Court.

Having considered the submissions of the parties and taking into consideration the fact that the name of the petitioner has transpired in the confessional statement of co-accused, who has already been granted bail by a co-ordinate Bench of this



Court and though the petitioner is in custody for more than one year, but till date no TIP has been conducted, apart from the fact that there is no recovery, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-IV, West Muzaffarpur in connection with Saraiya P.S. Case No. 690 of 2020 subject to the condition that one the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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