

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65577 of 2021

Arising Out of PS. Case No.-579 Year-2021 Thana- PHULWARISHARIF District- Patna

Rohit Kumar, Son of Jay Prakash Sah @ Jay Prakash Saw Resident of -
Shivala, Kagaji Mohalla, P.S. and P.O.- Danapur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Piyush Saurav, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 08-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Phulwari Sharif (Janipur) P.S. Case No.579 of 2021
instituted under Section 392 of the Indian Penal Code.

As per the allegation in the FIR, the informant and his
friend alighted at the Danapur Railway Station having travelled
all the way from Pune and reserved an auto and further was
returning home where it is alleged that the auto driver in the
garb of attending call of nature contacted his associate and
thereafter the said co-accused looted them of their belongings
including Rs.13,000/-, two smart phones. Later the informant
lodged this FIR.



The case was registered against unknown and subsequently during the investigation, the name of the petitioner cropped up as one of the associate of the said crime. One co-accused Aakash Kumar confessed the name of the petitioner in his confessional statement followed by the arrest of this petitioner by the police whereafter he also made confession resulting into recovery of the motorcycle used in the incident.

Learned counsel for the petitioner submits that he had no role to play in the matter and was implicated on the basis of confessional statement of accused Aakash Kumar. He further submits that he has no criminal antecedent and is in custody since 11.09.2021.

Learned APP submits that the recovery of the motorcycle on the confession of the petitioner clearly shows that he was part of the crime.

Taking into account the fact that the charge-sheet has been submitted, the petitioner as per para-3 has no criminal antecedent and is in custody since 11.09.2021 (as stated in para-1 of the bail application), this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent, this bail shall become infructuous.

Let the petitioner be released on bail on furnishing



bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Phulwari Sharif (Janipur) P.S. Case No.579 of 2021 to the satisfaction of learned Additional Chief Judicial Magistrate, IX, Patna, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

U		T	
---	--	---	--

