

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69346 of 2021**

Arising Out of PS. Case No.-18 Year-2021 Thana- KALYANPUR District- Samastipur

Lal Babu Rai, Son of Late Ram Vinod Rai, Resident of Village - Baluaha,
P.S.- Kalyanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kalyanpur P.S. Case No. 18 of 2021 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, two motorcycle borne miscreants stopped the informant and his friend who were carrying Rs. 50,000/- each after withdrawal of the same from the bank and were going to their C.S.P. The miscreants snatched the bags containing Rs. 50,000/-, laptop and finger device from



both the informant and his friend. During investigation, the name of the petitioner surfaced as an accused.

The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his possession. After two months of the occurrence, name of this petitioner came up as an accused on the basis of confessional statement of co-accused Shyam Babu Ray who has been granted bail by a co-ordinate Bench vide order dated 06.05.2022 passed in Cr. Misc. No. 55264 of 2021. The petitioner was not put to any Test Identification Parade and even no recovery of any looted article has been made from the possession of this petitioner or at his instance. During investigation, nothing came up against the petitioner to connect him with the crime of robbery committed with the informant and his friend. The petitioner is in custody since 21.06.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in eight other cases. Learned APP further submits that Test Identification Parade could not be conducted as the informant refused to join the same.

Perused the records.



Having regard to the submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and nothing incriminating has been recovered from his possession and also considering the submission of charge-sheet along with period of custody of this petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Kalyanpur P.S. Case No. 18 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be Pappu Kumar, younger brother of the petitioner, who has sworn the affidavit in this case.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail



bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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