

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72542 of 2021**

Arising Out of PS. Case No.-578 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

Chhotu @ Pratap Rana Son of Ashok Singh R/O Village- Balthi Narsingh,
P.S.- Sahebganj Town, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

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

3 18-07-2022 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 Hajipur
Sadar P.S. Case No. 578 of 2019 registered for the offence under
Section 397 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 10.02.2022.

The allegation against the petitioner is to commit
robbery on gun point, with attempt to cause death along with co-
accused persons, and while committing so, taken away Rs.
6,81,800/-, mobile phone and certain important document, etc.
of the informant.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced in the present case on the basis of confessional statement of co-accused, namely, Pankaj Kumar @ Bhula, who has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 17269 of 2020 dated 02.07.2020. It has further been submitted that in furtherance of the said confession, nothing recovered from the conscious physical possession of the petitioner, which may incriminate or connect the petitioner with the present occurrence. It has further been submitted that the petitioner was never put on TIP. It has also been submitted that charge-sheet has been submitted in the present case without obtaining certificate under Section 65 of the Indian Evidence Act, when the allegation is founded over electronic evidence. It has further been submitted that petitioner is involved in 06 other criminal cases, in which, he is on bail. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, 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 recovered from the conscious physical possession of the petitioner, which may incriminate or connect the petitioner, *prima facie*, with the present set of occurrence coupled with the fact that charge-sheet has already been submitted without obtaining certificate under Section 65 of the Indian Evidence Act, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Sadar P.S. Case No.578 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Vaishali at Hajipur, 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 shall be Ashok Kumar Singh, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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