

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.250 of 2022

Arising Out of PS. Case No.-127 Year-2021 Thana- DIGHWARA District- Saran

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Umesh Mahto S/o Brahmdeo Mahto Resident of Village- Mirpur, P.S.-
Dighwara, Distt- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kumari, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP 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 Dighwara
P.S. Case No. 127 of 2021 registered for the offence under
Section 394 of the Indian Penal Code and Section 27 of the
Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 25.05.2021.

The allegation against the petitioner is to commit
robbery, and while committing so, taken away cash of Rs. 9
lakhs from informant, alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner has been falsely implicated in the present case. It is submitted that name of the petitioner surfaced on the basis of the self confession while apprehending in another case and in furtherance of self confession, nothing incriminating surfaced/recovered during the course of investigation, which may connect the petitioner, *prima facie*, with the present occurrence of robbery. It is submitted that petitioner has never been put on T.I.P. It is pointed out that similarly situated co-accused, namely, Krishna Ram has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 41024 of 2021 dated 03.01.2022. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced/recovered from the possession of the petitioner in furtherance of self confession, which may connect him, *prima facie*, with the present



occurrence of robbery coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dighwara P.S. Case No. 127 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-V, Saran/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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