

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5817 of 2023

Arising Out of PS. Case No.-124 Year-2022 Thana- SALIMPUR District- Patna

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Dhiraj Kumar S/O Ram Uchit Singh Resident Of Village- Madhurapur, P.O.-
Malikpura, P.S.- Goraul, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-06-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Salimpur
P.S. Case No.124 of 2022 registered for the offence under
Section 392 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 20.08.2022.

The allegation against the petitioner is to commit
robbery alongwith other unknown co-accused persons and while
committing so taken away cash of Rs.50,000/- (Rupees Fifty
Thousand) from the possession of informant being worker of



petrol pump, where occurrence took place.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in this case and his name surfaced out of confessional statement of co-accused and self confession, where in furtherance nothing surfaced/recovered during investigation to connect this petitioner, *prima facie*, with the present occurrence of robbery. It is submitted that petitioner was not put on T.I.P., as yet. While travelling over the argument learned counsel submitted that petitioner found involved in 7 more criminal cases and out of suspicion, arises from his criminal antecedents, he was made accused in the present case also exclusively on the basis of confessional statement. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already 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 for bail fairly conceded that petitioner is not named in the F.I.R.

In view of the facts and circumstances as mentioned above as save and except self-confession and confessional statement of co-accused nothing survives against this petitioner



to suggest, *prima facie*, his involvement in the present occurrence of robbery coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 20.08.2022, let above named petitioner is directed to be released on bail in connection with Salimpur P.S. Case No.124 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Barh/concerned court, 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
deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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