

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29457 of 2023

Arising Out of PS. Case No.-251 Year-2022 Thana- PATRAKARNAGAR District- Patna

Vishal Kumar @ Chinese @ Chaines, Son of Manoj Yadav, resident of Village-Salimpur Ahra Daldali, Gali No.4, P.S.-Gandhi Maidan, District-Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amit Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-06-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection with Patrakar Nagar P.S. Case No.251 of 2022 registered for the offences punishable under Sections 392 of the Indian Penal Code.

The accused/petitioner not named in the FIR and is in custody since 09.08.2022.

Allegation against the petitioner is to commit robbery along with unknown co-accused persons and while committing so, taken away a head phone and golden chain belongs to informant.

It is submitted by learned counsel that name of petitioner transpired on the basis of suspicion and confessional



statement of co-accused, where in furtherance of same, no incriminating materials recovered/surfaced from the possession of the petitioner during the course of investigation so as to connect him with present occurrence. It is submitted that petitioner was not put on Test Identification Parade, as yet. While concluding argument, it is submitted that a suspicion arises out of criminal antecedents, as petitioner found involved in nine more criminal cases which is also one of the reason to implicate the petitioner with present case. In this connection, it is pointed out that several similar nature of cases lodged against this petitioner on same very day, indicating only the police atrocities towards petitioner. It is pointed out that petitioner already acquitted in one case, whereas he is on bail in two cases. While concluding argument, it is pointed out that investigation of this case is completed for which charge-sheet has been submitted and, as such, there is no chances of tampering with the evidence.

Learned APP opposes the prayer for bail of the petitioner.

In view of the above-mentioned facts and circumstances and by taking note of the fact that save and except confessional statement, nothing appears against this



petitioner to connect him with present occurrence, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 09.08.2022, accordingly, the petitioner above-named is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Patna in connection with Patrakar Nagar P.S. Case No.251 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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