

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30144 of 2023

Arising Out of PS. Case No.-520 Year-2022 Thana- CHIRAIYA District- East Champaran

Nitesh Kumar, Son of Munna Ray, R/o Village - Basantpur, P.S.- Kundwa
Chainpur, District - East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection with Chiraiya P.S. Case No.520 of 2022 registered for the offence punishable under Section 392 of the Indian Penal Code.

The accused/petitioner is not named in the FIR and is in custody since 31.12.2022.

Allegation against the petitioner is to commit robbery and while committing so, taken away motorcycle, ATM, mobiles and cash of Rs.6,000/- which belongs to the informant.

It is submitted by learned counsel that for single reason as alleged looted motorcycle recovered from the house of this petitioner, the petitioner implicated with present case, who is otherwise a man of clean antecedent. It is submitted that



compliance of Section 100(4) of the Cr.P.C. not appears to be followed in present case as regard to search of premises i.e. the house of the petitioner, which is jointly occupied and as such, it cannot be said that the alleged recovery of looted motorcycle was made from conscious physical possession of this petitioner. It is also pointed out the petitioner was not put on TIP. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for grant of bail to the petitioner.

In view of above-mentioned facts and circumstances, as alleged looted motorcycle not appears to be recovered from conscious physical possession of this petitioner, who is a man of clean antecedent, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 31.12.2022, accordingly, the petitioner, above-named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Sikarhaha, East Champaran in



connection with Chiraiya P.S. Case No.520 of 2022, subject to
the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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