

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29307 of 2023

Arising Out of PS. Case No.-220 Year-2022 Thana- SARMERA District- Nalanda

Shankar Kumar, Son of Late Bhutta Yadav, Resident of Village-
Nezamuddinpur, P.S. and Distt -Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Sarmera P.S. Case No.220 of 2022 registered for the
offence punishable under Section 392 of the Indian Penal Code.

3. The accused/petitioner is not named in the FIR and
is in custody since 26.09.2022.

4. Allegation against the petitioner is to commit
robbery along with other co-accused persons and while
committing so, looted a pick up van, which was in possession of
informant during the course of occurrence.

5. It is submitted by learned counsel that name of
petitoiner surfaced on the basis of confessional statement of co-
accused, namely, Gaurav Kumar and Dev Kumar, in furtherance



of which, no incriminating material recovered/surfaced as to connect *prima facie* with present occurrence of robbery. It is submitted that said co-accused Gaurav Kumar has already granted bail by one of the learned co-ordinate Bench of this Court vide order dated 28.04.2023 passed in Cr. Misc. No.15622 of 2023. It is also pointed out that petitioner was not put on TIP. While concluding argument, it is submitted that the petitioner found involved in one more criminal case i.e., of excise, where is on bail and moreover 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.

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

7. In view of above-mentioned facts and circumstances and by taking note of fact as save and except suspicion arises out of confessional statement of co-accused, nothing appears incriminating against this petitioner as to connect him with present occurrence of robbery, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 26.09.2022, 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, Biharsharif, Nalanda in connection with Sarmera P.S. Case No.220 of 2022 subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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