

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29420 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- PALANWA District- East Champaran

Kawal Rai @ Kewal Rai, Son of Treta Ray, Resident of Village - Siswa, P.S. -
Raxaul, District - East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

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

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 Palanwa P.S. Case No.142 of 2022 registered for the
offence punishable under Section 394 read with 34 of the Indian
Penal Code.

The accused/petitioner not named in the FIR and is
in custody since 02.12.2022.

Allegation against the petitioner is to commit
robbery along with other co-accused persons and while
committing so, taken away cash of Rs.36,000/- and a mobile
phone belongs to informant.

It is submitted by learned counsel for the petitioner
that name of petitioner surfaced during the course of



investigation on the basis of confessional statement of co-accused, namely, Shatrudhan Das, where in furtherance of same, no incriminating material recovered/surfaced so as to connect the petitioner *prima facie* with present set of occurrence. It is submitted that said Shatrudhan Das has already granted bail one one of the learned co-ordinate Bench of this Court vide order dated 24.06.2023 passed in Cr. Misc. No.31049 of 2023. While travelling over argument, it is submitted that petitioner was not put on Test Identification Parade despite of the claim of the informant that he may identify the miscreants. While concluding argument, it is submitted that petitioner found involved in six more cases, where he is on bail and moreover investigation of the 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, as save and except confessional statement of co-accused, no incriminating material recovered/surfaced, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 02.12.2022, 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, Raxaul, Motihari, East Champaran in connection with Palanwa P.S. Case No.142 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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