

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30071 of 2023

Arising Out of PS. Case No.-378 Year-2022 Thana- SUPAUL District- Supaul

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Bhabesh Kumar, Son of Late Jagdish Yadav, R/o village-Padampur, P.S.-
Bihra, Distt.-Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, APP

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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
Supaul (Lokha O.P.) P.S. Case No.378 of 2022 registered for the
offence punishable under Section 394 of the Indian Penal Code.

The accused/petitioner is not named in the FIR and is
in custody since 20.04.2022.

Allegation against the petitioner is to commit robbery
along with other co-accused persons and while committing so,
taken away motorcycle, two charger and mobile phones which
belongs to the informant and others.

It is submitted by learned counsel that the alleged
recovered motorcycle shown to be recovered from an open place
in front of the house of this petitioner and as such, it cannot be said
that recovery was made from the possession of this petitioner. It is
submitted that even the house of this petitioner is jointly occupied.



While concluding argument, it is submitted that the petitioner found involved in two more cases, where he is on bail in one case 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.

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

In view of above-mentioned facts and circumstances, as recovery of looted motorcycle not appears to be made from conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.04.2022, 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 Chief Judicial Magistrate, Supaul in connection with Supaul (Lokha O.P.) P.S. Case No.378 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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