

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30105 of 2023

Arising Out of PS. Case No.-394 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Rahul Kumar, son of Shatrughan Das, Resident of Village-Chandchaur
Ramnagar, P.S.-Ujiarpur, Distt.-Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, 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 Bibhutipur P.S. Case No.394 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 20.12.2022.

Allegation against the petitioner is to commit
robbery and while committing so, taken away motorcycle and
cash of Rs.7,000/- which belongs to the informant.

It is submitted by learned counsel that name of the
petitioner surfaced during the course of investigation on the
basis of confessional statement of co-accused, where in
furtherance of same, no incriminating material



recovered/surfaced suggesting involvement of this petitioner *prima facie* with present occurrence of robbery. It is submitted that the petitioner was not put on Test Identification Parade. It is also pointed out that similarly situated co-accused, namely, Sams Tabrej @ Arman has already granted bail by learned co-ordinate Bench of this Court vide order dated 13.06.2023 passed in Cr. Misc. No.29943 of 2023. While concluding argument, it is submitted that petitioner found involved in five more criminal cases, where he 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.

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

In view of above-mentioned facts and circumstances and by taking note of fact as save and except confessional statement of co-accused, no incriminating material recovered/surfaced during the course of investigation so as to connect petitioner with present occurrence of robbery, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.12.2022, 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 S.D.J.M. Rosera, Samastipur in connection with Bibhutipur P.S. Case No.394 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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