

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31873 of 2023

Arising Out of PS. Case No.-154 Year-2022 Thana- PHULWARIA District- Begusarai

MD. MOJAHID @ RAJA Son of Md. Mansur Resident of village - Fulwariya
- 03, Barauni, P.S. - Fulwaria, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate

For the Opposite Party/s : Mr.Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Phulwaria
P.S. Case No. 154 of 2022 registered for the offence under
Section 392 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 05.11.2022.

The allegation against the petitioner is to commit
robbery alongwith other co-accused persons and while
committing so taken away one motorcycle which was in
possession of informant.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner implicated falsely on the basis of suspicion as raised by local chaukidar, where in furtherance thereof a confessional statement of petitioner was obtained while apprehended in Phulwaria P.S. Case No. 155 of 2022, where no incriminating material recovered/surfaced during the course of investigation to connect petitioner, *prima facie* with the present occurrence of robbery. It is also submitted that petitioner not put on TIP as yet. It is further submitted that looted motorcycle was recovered from the house of co-accused, namely, Nooruddin. It is further submitted that the said co-accused Md. Nooruddin @ Mohammad Nooruddin @ Md. Noor Alam has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 15249 of 2023 vide order dated 01.05.2023. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as save and except suspicion, nothing surfaced/recovered



during the course of investigation which may connect petitioner *prima facie* with the present occurrence of robbery, coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 05.11.2022 accordingly, petitioner above named, is directed to be released on bail in connection with Phulwaria P.S. Case No. 154 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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