

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31250 of 2023**

Arising Out of PS. Case No.-1256 Year-2022 Thana- BIHTA District- Patna

Abhishek Kumar s/o Amar Prasad Resident of Village- Baida, P.S.- Murar,
District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Namrata Mishra, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 27-06-2023 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 Bihta P.S.
Case No. 1256 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 19.12.2022.

The allegation against this petitioner is to commit
robbery alongwith other unknown co-accused persons in the
shop of informant and while committing so taken away golden
jewellery having value about 10-15 lacs and also cash of about
Rs. 2 lacs belongs to informant.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Bhola Singh, where nothing incriminating surfaced/recovered, which may connect petitioner with present occurrence of robbery. It is submitted that motorcycle, which alleged to be used in present occurrence does not belong to this petitioner. It is submitted that petitioner was not put on TIP, as yet. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has already 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 confessional statement, nothing incriminating appears against this petitioner to connect with present occurrence on its face, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 19.12.2022, accordingly the petitioner, above named, is directed to be released on bail in connection with Bihta P.S. Case No. 1256 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 Chief Judicial Magistrate, Danapur, Patna/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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