

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35095 of 2023**

Arising Out of PS. Case No.-326 Year-2020 Thana- BASOPATTI District- Madhubani

Prabhakar Kumar Singh @ Lalla @ Lala Son Of Ram Kalewar Singh
Resident Of Village - Narar, P.S.- Kaluahi, District – Madhubani

... .. Petitioner/s
Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kusum Rani, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

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

3 17-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Basopatti P.S. Case No. 326 of 2020 registered for the offence
under Sections 394 and 120-B of the Indian Penal Code and
Section 27 of the Arms Act.

3. The accused/petitioner is not named in the F.I.R.
and is in custody since 06.04.2021.



4. The allegation against the petitioner is to commit robbery and while committing so taken away bag belongs to informant containing cash and ornaments.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced in the present case on the basis of self-confession, while being apprehended in another criminal case, where nothing recovered/surfaced as to connect him, *prima facie*, with the present occurrence of robbery. It is submitted that petitioner was not put on T.I.P., as yet. It is further submitted that similarly situated co-accused, namely Chandan Kumar, has already been granted bail by one of the learned Co-ordinate bench of this Court through Cr. Misc. No.24854 of 2021 vide order dated 26.07.2021. While concluding the argument, it is submitted that petitioner found involved in nine more criminal cases, where he is on bail and in most of the cases his name surfaced on the basis of confessional statement as of the present case, without having any bearing over the merit of the case and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State,



opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as save and except suspicion nothing incriminating appears against this petitioner as to connect with the present occurrence of robbery coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 06.04.2021, accordingly petitioner, above named, is directed to be released on bail in connection with Basopatti P.S. Case No. 326 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-I, Madhubani/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-

(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly



supported by the documents.

(ii) That one of the bailors
shall be deponent of the present bail
petition.

(Chandra Shekhar Jha, J.)

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