

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40212 of 2023

Arising Out of PS. Case No.-880 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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ROHIT KUMAR S/O VIJAY PATEL R/O Village Chargahan, Shanti Chawk,
Ward No. 40, P.S. Bettiah Muffasil, Dist. West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh
For the Opposite Party/s : Mr.Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bettiah Town P.S. Case No. 880 of 2022 registered for the
offences punishable under Sections 399, 402, 413, 414, 420,
467, 468 and 471 of the IPC

3. As per prosecution case, five miscreants on two
motorcycles were planning to commit robbery and it is alleged
that five miscreants apprehended on spot and petitioner is one
among them. It is further alleged that from the possession of the
petitioner one knife(dagger) and one mobile phone were
recovered.

4. Learned counsel for the petitioner submits that



petitioner is in custody since 27.11.2022 and bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Vineet Kumar and Mukesh Kumar, Sudhir Kumar have already been granted bail vide Cr.Misc. No. 9053 of 2023 and Cr. Misc. No. 11364 of 2023 respectively by co-ordinate Benches of this Court and the case of present petitioner stands more or less on similar footing. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail by co-ordinate Benches of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, 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. Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 880 of 2022 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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