

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38535 of 2023

Arising Out of PS. Case No.-236 Year-2021 Thana- JADIA District- Supaul

Vikash Kumar, S/o Lalan Yadav, R/o Village-Damgara, Ward No.-06, Shripur Tola, P.S- Shankarpur, Distt.- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Aditya Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Jadiya P.S. Case No.236 of 2021 registered for the offence punishable under Sections 392 of the Indian Penal Code but later on, charge-sheet has been submitted under Sections 392 and 411 of the Indian Penal Code.

3. The accused/petitioner is not named in the FIR and is in custody since 14.09.2022.

4. Allegation against the petitioner is to commit robbery along with other co-accused persons and while committing so, taken away motorcycle, driving license, Aadhar card, ATM card, etc. belongs to the informant.

5. It is submitted by learned counsel that the name of petitioner surfaced in present case out of suspicion and self-



confession when he was apprehended in connection with Shankarpur P.S. Case No.17 of 2022. It is submitted that subsequent to this case, petitioner was named in six more criminal cases out of suspicion, where he is on bail in five cases. It is further submitted that the incriminating materials were recovered from the possession of co-accused, namely, Mithilesh Kumar @ Chottu and not from this petitioner. It is submitted that petitioner was not even put on Test Identification Parade. While concluding argument, it is submitted that 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.

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

7. In view of above-mentioned facts and circumstances and by taking note of fact as save and except suspicion and self-confession, nothing appears incriminating against this petitioner as to connect *prima facie* with present occurrence of robbery, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 14.09.2022, 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 Additional Chief Judicial Magistrate-V, Supaul in connection with Jadiya P.S. Case No.236 of 2021 corresponding to G.R. No.2135 of 2021, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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