

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47027 of 2023

Arising Out of PS. Case No.-388 Year-2019 Thana- BIDUPUR District- Vaishali

Manish Kumar @ Manish Singh @ Manish Rai @ Nanki Son Of Jitendra Rai
@ Jitendra Ray @ Jitendra Singh Resident Of Village - Nanhak Chak, P.S. -
Bidupur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivanand Singh, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2023 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
Bidupur P.S. Case No.388 of 2019 registered for the offence
under Sections 394 of the Indian Penal Code.

3. The accused/petitioner is not named in the F.I.R.
and is in custody since 28.02.2022.

4. The allegation against the petitioner is to commit
robbery alongwith other unknown co-accused persons and while
committing so taken away one motorcycle and mobile which
were in possession of informant during the course of
occurrence.

5. 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 Sushil Kumar, where in furtherance, no incriminating material recovered/surfaced as to connect petitioner, *prima facie*, with the present occurrence of robbery. It is also submitted that T.I.P. was not conducted, as yet. While concluding the argument, it is submitted that one of the reason for implication of petitioner with present case is suspicion also due to his criminal antecedents, as he found involved in 14 more criminal cases, where he is on bail in 4 cases and in maximum number of cases his name surfaced on the basis of suspicion, as of the present 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 arises out of confessional statement, where no incriminating material recovered/surfaced as to connect petitioner, *prima facie*, with present occurrence of robbery, coupled with the fact that charge-



sheet has already submitted, where petitioner is in custody since 28.02.2022, accordingly, petitioner, above named, is directed to be released on bail in connection with Bidupur P.S. Case No.388 of 2019 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, 1st Class, Hajipur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

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

(Chandra Shekhar Jha, J)

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