

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47037 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Uday Sah S/o Natho Sah, R/o Village-Sripur, Ward No. 12, P.S- Cheria
Bariarpur, Distt.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Cheria Bariyarpur P.S. Case No.21 of 2023 registered for
the offence punishable under Section 392 of the Indian Penal
Code.

3. The accused/petitioner is not named in the FIR and
is in custody since 02.02.2023.

4. Allegation against the petitioner is to commit
robbery and while committing so, taken away cash of
Rs.25,000/- and one motorcycle, which was in possession of the
informant during the occurrence.

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



confession, where nothing surfaced during the course of investigation as to connect him *prima facie* with present occurrence of robbery. It is submitted that alleged looted motorcycle was recovered from mustard field, which is not connected in any manner with this petitioner. It is also pointed out that petitioner not put on Test Identification Parade, as yet. While concluding argument, it is submitted that the petitioner found involved in three more criminal cases, where he is on bail and moreover investigation of this case is 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 incriminating against this petitioner during the course of investigation as to connect him *prima facie* with present occurrence of robbery, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 02.02.2023, 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 Chief Judicial Magistrate, Begusarai in connection with Cheria Bariyarpur P.S. Case No.21 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall not involve in any nature of criminal case 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) That petitioner shall co-operate 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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