

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46823 of 2023

Arising Out of PS. Case No.-381 Year-2022 Thana- SABAUR District- Bhagalpur

AMARJIT KUMAR @ MUSA @ RAJ KUMAR S/o Ramsaran Mandal
Resident of Village-Manalkha, P.S.-Sabour, District-Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar No.6, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, 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 counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Sabour P.S.
Case No. 381 of 2022 registered for the offence under Section 392 of
the Indian Penal Code.

3. The accused/petitioner is not named in the F.I.R. and is
in custody since 09.11.2022.

4. The allegation against the petitioner is to commit
robbery alongwith other co-accused persons and while committing so
looted mobile, power bank and cash of Rs. 4,560/- (Rupees Four
Thousand Five Hundred Sixty only) belongs to informant and others.

5. Learned counsel appearing on behalf of the petitioner
submitted that the name of petitioner surfaced on the basis of
confessional statement of co-accused, namely, Fantus Kumar, where
in furtherance of no incriminating material recovered/surfaced during
the course of investigation as to connect petitioner, *prima facie*, with



present occurrence of robbery. It is further pointed out that alleged looted mobile was recovered from the possession of co-accused Pankaj Kumar, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 165 of 2023 vide order dated 18.04.2023. It is submitted that petitioner was not put on TIP, as yet. While concluding the argument, it has been submitted that petitioner found involved in three more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as save and except suspicion arises out of confessional statement of co-accused, nothing incriminating surfaced during the course of investigation 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 09.11.2022, accordingly, above named petitioner is directed to be released on bail in connection with Sabour P.S. Case No. 381 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bhagalpur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:



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

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned 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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