

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49514 of 2023

Arising Out of PS. Case No.-324 Year-2021 Thana- DIGHA District- Patna

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Rohit Kumar Son Of Late Shoshu Chaudhari @ Shankar Chaudhary Resident
Of Village- Gandhi Gali, Digha Chauhatta, Disha Ghhat Chauhatta, P.S.-
Digha, Dist- Patna.

.... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bishwajit Ganguly, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 01-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 1245 of 2022, arising out of Digha P.S. Case No. 324 of 2021, registered on 15.06.2021 for the alleged offence under Section 392 of the Indian Penal Code.

3. As per prosecution case, three named and three unknown miscreants looted the bag of the informant in which he was carrying Rs. 2,30,000/- in cash, Aadhar card and his driving licence. The name of the petitioner surfaced during



investigation as one of the miscreants.

4. Learned counsel for the petitioner submits that this is the second attempt of the petitioner to seek bail from this Court as his prayer for bail was rejected vide order dated 08.08.2022 passed in Cr. Misc. No. 18910 of 2022. Learned counsel further submits that the petitioner is languishing in custody since 17.07.2021 and till date only one witness has been examined. The petitioner was not named in the FIR and even the prosecution witness, who has been examined, has not identified this petitioner. Learned counsel further submits that though the recovery of Rs.5,000/- and driving licence was shown from the possession of the petitioner but driving licence has been planted and Rs.5,000/- cash was the sale proceed of some articles of the petitioner.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the recovery of driving licence of the informant was made from the petitioner apart from Rs.5,000/- of the looted money and no new ground has been brought to consider the prayer for bail of the petitioner.

6. In compliance of the order dated 02.08.2023, a report has been received from the learned trial court wherein



the learned trial court submitted that after framing of charge on 30.09.2022, out of 4 witnesses, only one witness has been examined on 03.01.2023 who was discharged after cross-examination on 12.04.2023 and since then no witness has been examined in this case.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the trial may take more time for conclusion and nature of allegation against the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII, Patna/concerned court in connection with Sessions Trial No. 1245 of 2022, arising out of Digha P.S. Case No. 324 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the



bail bonds of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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