

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49412 of 2023

Arising Out of PS. Case No.-109 Year-2023 Thana- SIMRI District- Buxar

Rahul Rai @ Baliram Rai, S/o Devtanand Rai @ Devat Nand Rai, R/o
Village-Arjunpur, P.S.-Simari, District-Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Arvind Kumar Pradhan, Advocate Mr. Sumit Kumar, Advocate Mr. Mungeshwar Kumar, Advocate
For the Opposite Party/s :	Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Simri P.S. Case No.109 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 08.04.2023.

4. Allegation against the petitioner is to commit
robbery along with other unknown co-accused persons and
while committing so, looted motorcycle and cash of Rs.
10,000/- along with a mobile phone belongs to the informant
during the course of occurrence.

5. It is submitted by learned counsel that the name of



petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused, Rakesh Yadav, in furtherance of which, no incriminating material recovered/surfaced as to connect the petitioner with present occurrence of robbery. It is submitted that petitioner not put on TIP, as yet. While concluding argument, it is submitted that the petitioner found involved in one more case subsequent to this case 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, as save and except suspicion arises out of confession of co-accused, namely, Rakesh Yadav, nothing incriminating surfaced during the course of investigation as to incriminate the petitioner *prima facie* with present occurrence of robbery, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 08.04.2023, 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, Buxar in connection with Simiri P.S. Case No.109 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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