

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51329 of 2022

Arising Out of PS. Case No.-115 Year-2022 Thana- DAUDNAGAR District- Aurangabad

Rajendra Prasad S/o Shivnarayan Sao R/o village- Repura, P.S.- Daudnagar,
District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 16-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Daudnagar P.S. Case No. 115 of 2022 registered for the offence
under Section 394 of the Indian Penal Code (for short 'I.P.C.').

The accused/petitioner is not named in the F.I.R. and
is in custody since 14.03.2022.

The allegation against the petitioner is to causing hurt
while committing robbery and while committing so taken away
total cash of Rs. 41,000/- (Rupees Forty-one Thousand) from
different persons alongwith their mobiles, Aadhar Card, Pan
Card, etc.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of self-confession, which is of no value in the eye of law. It is also submitted that the alleged recovered mobile of Realme company was never put on T.I.P. to connect this petitioner with allegation. It is also submitted that said recovered mobile is without any IMEI number and is difficult to connect with looted mobile scientifically. It is submitted that prior to this occurrence the antecedent of petitioner was clean but subsequent thereof he found involved in three more criminal cases, more or less similar in nature, where his name surfaced on the basis of self-confession/confessional statement, as of the present case. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, as the recovered mobile from this petitioner was not put on TIP coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be



released on bail in connection with Daudnagar P.S. Case No. 115 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, Aurangabad/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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