

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51179 of 2022

Arising Out of PS. Case No.-34 Year-2021 Thana- CHANPATIA District- West Champaran

Rohit Kumar @ Rohit Kumar Rai S/o Madhusudhn Ray @ Madhusudan Rai
R/o village- Malkauli, P.S.- Chanpatia (Kumarbagh O.P.), District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh

For the Opposite Party/s : Mr. Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-02-2023 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 Chanpatiya
P.S. Case No. 34 of 2021 registered for the offence under Section 392
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 11.05.2022.

The allegation against the petitioner is to commit robbery
and, while committing so, taken away motorcycle and mobile, which
belong to the informant, along with other co-accused persons.

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, Imtiaz Alam. It is further submitted that for the same set of occurrence, another case as Bettiah City P.S. Case No. 137 of 2021 was lodged against this petitioner, as far recovery part of motorcycle is concerned, where he is on bail. It is also submitted that the alleged motorcycle was recovered from an open place, which is accessible by general public and, as such, it cannot be said that it was a case of recovery from the conscious physical possession of this petitioner. It is also submitted that petitioner involved in six more cases, where he is on bail in five cases and in almost all cases, the name of petitioner appears on the basis of confessional statement of co-accused as of present case. While concluding the argument, it is submitted that investigation of this case has been completed, for which charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

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

Considering the facts and circumstances as mentioned above, as alleged recovery of motorcycle was not made from the conscious physical possession of this petitioner, for which a separate case has been lodged, where petitioner is on bail coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chanpatiya P.S. Case No. 34 of 2021 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M, Bettiah, West Champaran/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence 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) Accused/Petitioner shall cooperate 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 Madhusudhan Ray@Madhusudan Rai, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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