

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70276 of 2022

Arising Out of PS. Case No.-83 Year-2021 Thana- MUFFASIL District- West Champaran

Rohit Kumar Son of Manoj Mahto R/O Village- Lala Tola Garbhuwa, P.S.-
Sirisiya O.P., District- West Champaran

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-03-2023 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 Bettiah
(Muffasil) P.S. Case No. 83 of 2021 registered for the offences
under Section 395/397 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 07.07.2021.

The allegation against the petitioner is to commit
robbery alongwith other co-accused persons and while
committing so taken away a motorcycle belongs to informant.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner was falsely implicated in present



case during the course of investigation on the basis of confessional statement of Imtiaz Alam, in furtherance of which no incriminating material recovered/surfaced to connect petitioner, *prima facie*, with present occurrence of robbery. It is further submitted that said co-accused Imtiaz Alam has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 37273 of 2022 vide order dated 22.09.2022. It is also submitted that petitioner was not put on TIP, as yet. While concluding the argument, it has been submitted that petitioner found involved in four criminal cases where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no incriminating material recovered to connect petitioner, *prima facie*, with the present occurrence of robbery, 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 Bettiah (Mufassil) P.S. Case No. 83 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 Chief Judicial Magistrate, West Champaran,
Bettiah/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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