

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61537 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- BACHHWARA District- Begusarai

ASHUTOSH KUMAR @ CHHAPAN @ LANGRA Son of Late Raj Kumar
Chaudhary Resident of Village- Shokhara, P.S.- Fulwaria, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-02-2023 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
Bachhwara P.S. Case No. 53 of 2022 registered for the offence
under Sections 392 and 397 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 29.06.2022.

The allegation against the petitioner is to commit
robbery and while committing so, taken away one mobile,
motorcycle, cash of Rs. 1,000/- and certain cards like, Aadhar
card, credit card, etc., belongs to informant.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused person, namely, Rafique @ Chhotu, while apprehended in Bachhwara P.S. Case No. 57 of 2022. It is submitted that in furtherance of confessional statement, no incriminating material surfaced/recovered, during course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence of robbery. It is also submitted that the petitioner was not put on TIP, as yet. It is also pointed out that the petitioner found involved in 05 other criminal cases, where, in 04 cases he is on bail and in most of the cases, name of the petitioner surfaced on the basis of confessional statement, as of the present case. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no incriminating material recovered/surfaced, during course of investigation, which may connect this petitioner, *prima-facie*, with the present set of occurrence of robbery in



furtherance of confessional statement of co-accused 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 Bachhwara P.S. Case No. 53 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 C.J.M., Begusarai/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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