

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67427 of 2022

Arising Out of PS. Case No.-179 Year-2022 Thana- PIRPAINTI District- Bhagalpur

Jitendra Upadhyay @ Jailor, S/o Balram Upadhyay @ Baliram Upadhyay,
Resident of Village- Harion, P.S.- Krishnabrahm, District- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-02-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor for the

State.

The petitioner seeks bail in connection with Pirpainti
P.S. Case No.179 of 2022 registered for the offences punishable
under Sections 392 and 411 of the Indian Penal Code.

The petitioner/accused is not named in the first
information report and is in custody since 15.06.2022.

The allegation against the petitioner is to commit
robbery along with other co-accused persons and while
committing so, taken away total cash of Rs.22,200/- from the
driver/informant of two different trucks.

It is submitted by learned counsel for the petitioner
that name of petitioner surfaced on the basis of statement made



by apprehended co-accused, namely, Prakash Sharma, in furtherance of which, no incriminating material recovered/surfaced during the course of investigation, which may connect petitioner with present set of robbery. It is also submitted that petitioner was not put on T.I.P as yet. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which the charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP while opposing the prayer for bail fairly conceded that the petitioner is not named in the FIR.

In view of the above-mentioned facts and circumstances and by taking note of the fact as no incriminating material was recovered/surfaced during the course of investigation to connect the petitioner, *prima facie*, with present set of robbery, coupled with the fact that charge-sheet has already been submitted, the above named petitioner is directed to be released on bail on 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, Bhagalpur in connection with Pirpainti P.S. Case No.179 of 2022, subject to the conditions as mentioned under Section



437(3) of the Code of Criminal Procedure.

(Chandra Shekhar Jha, J.)

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